

ICFAI Foundation
for Higher Education
(Deemed-to-be University under Section 3 of the UGC Act, 1956)
Autonomous Institution. Accredited by NAAC with 'A+' Grade

ICFAI
LAW SCHOOL
HYDERABAD



SYLLABUS AND CURRICULUM OF LLM PROGRAM




REGISTRAR
THE ICFAI FOUNDATION FOR HIGHER EDUCATION
(Deemed-to-be-University Under Section 3 of the UGC ACT, 1956)

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1. Introduction :

1.1 The ICFAI Foundation for Higher Education

The ICFAI Foundation for Higher Education (IFHE) is declared as a Deemed-to-be University, under Section 3 of the UGC Act, 1956. It has evolved a comprehensive student-centric learning approach consisting of several stages, designed to add significant values to the learner's understanding in an integrated manner, covering relevant knowledge, practical skills and positive attitudes. IFHE comprises of:

- Faculty of Management (IBS Hyderabad),
- Faculty of Science and Technology (IcfaiTech), and
- Faculty of Law (FoL).

1.2 : Faculty of Law :

Vision

The vision of the Law School is to be a 'centre of excellence in the legal education with high quality of teaching and research and dream-destination for students, the future generations of legal professionals'.

Mission

The Mission of the Law School is to carve the mediocre students joining the college into future generation advocates and legal professionals with world class expertise by providing rigorous course work, creating student centric and participative learning opportunities, to solve the complex problems resulting from the changing international business environment.

The Faculty of Law commonly known as ICFAI Law School is a constituent unit of the ICFAI Foundation for Higher Education (A Deemed-to-be University) established under Section 3 of UGC Act, 1956, located in the lush green environment in the vicinity of

historical city of Hyderabad. Today's legal profession needs a distinctive, well-qualified, analytical legal professional with academic excellence and practical exposure to address complex challenges posed by ever changing business environment.

The ICFAI Law School, with excellent and continuous teaching and learning process, student centric and industry friendly dynamic curriculum and real life exposure provides best in class, legal education to the student and carving them to market ready legal professionals out of mediocre student who desires of making law as the dream career.

The ICFAI Law School endeavours with diversified teaching methodologies, internships, industrial interface and networking with professionals, excellent placements and career oriented trainings, class of art infrastructure facilities and learning environment, throws out open platform for students of all walks of life to acquire required knowledge and accomplish their goals. It provides a blend of theory and practice, law, management, humanities and technology in 360 degrees learning model to equip the students for 21st century challenges. It also strives to inculcate the habit of continuous learning, promote social causes, and implant advocacy skillsets exponential professional expertise.

The ICFAI Law School offers UG Programs (Five year integrated campus based full time programs), PG Programs (One Year campus based full time programs) and Doctoral Program (Full time and Part-time programs) and Certificate Programs.




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The Center of Postgraduate Legal Studies :

The ICFAI Law School has launched the 'The Centre of Postgraduate Legal Studies' with an objective of offering one year full time LLM programs in law to facilitate law graduates to pursue LLM and Research in ICFAI Law School.

The Center of Postgraduate Legal Studies offers one year LLM programs in semester mode in accordance with the guidelines of UGC. The program helps in enhancing the knowledge base of the students in academics, professional understanding and readiness to face the challenges of the corporate world.

Admission

The requirements for admission to LL.M. program are as follows:

a) The candidate must have completed a bachelor's degree in Law (LL.B./BL/LLB (Hons.)/integrated programs or any equivalent grade) with a percentage of at least 45% or an equivalent cumulative grade point average from any Indian University recognized by UGC or any equivalent degree offered by a Foreign University.

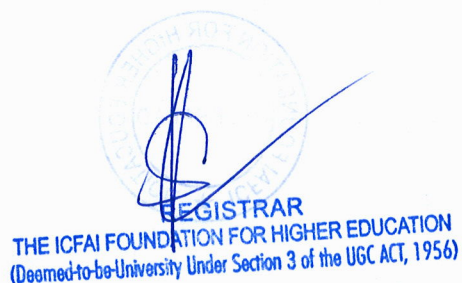
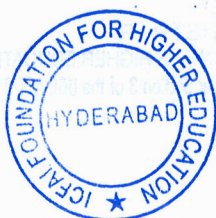
Explanation: In case of degree by Foreign University, the factor of equivalence would be decided by the CPGLS.

b) The candidate must have been allotted with a seat based on entrance examination and personal interview conducted by the Faculty of Law, IFHE, Hyderabad, for admission into this program.

c) The students appearing for final year examination and awaiting results may also apply for the entrance examination and submit the marks at the time of commencement of the classes.

3.2 Provisional admission may be offered, subject to the approval of CPGLS, for an applicant, whose result is due, to undertake the program provided the result / provisional degree certificate is submitted before the beginning of the first semester examination.

In case, the provisionally admitted candidate fails to submit the result /provisional degree certificate before the beginning of the first semester examination, the provisional admission of the candidate shall stand cancelled.



Eligibility :

- Graduation in Five Year/Three Year/Integrated Law Programs or equivalent Degree recognized by The Bar Council of India with a minimum of 50% marks or equivalent Grade
- Should have qualified in the ILSAT (PG) conducted by ICFAI Law School, IFHE, Hyderabad every year
- The students appearing for final year examinations and awaiting results may also apply for the entrance examination.

Examination system and Project Work:

- Student shall be allowed to take end-semester examination in a paper only if the minimum attendance requirement fixed by the University is fulfilled.
- Any student so debarred under 6.1 would be eligible to appear for the examination in that paper only in subsequent academic year after duly attending the course.

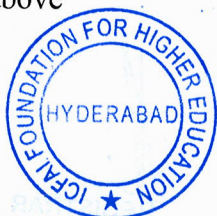
- Each paper is assessed based on the following components and marks:

- | | |
|-----------------------------|------------|
| a) Teaching Assignment | - 15marks |
| b) Assignments/Tests | - 15 marks |
| c) Class Participation | - 10 marks |
| d) End-Semester Examination | - 60 Marks |

Total 100 Marks

- A student must secure a minimum of fifty percent marks in each paper and dissertation in order to fulfill the requirements of the Degree.

- A student failing to conform to the above requirement in any of the papers shall appear in the repeat examination for that paper as and when it is held and secure the minimum marks prescribed above




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Grading system

Percentage of Marks Grade Value

Marks Range	Grade	Grade Points	Qualitative Meaning
70% and Above	A	10	Excellent
65% and above but below 70%	B	8	Very Good
60% and above but below 65%	C	6	Good
55% and above but below 60%	D	4	Average
50% and above but below 55%	E	2	Fair
Below 50%	F	0	Exposed (Fail)

Dissertation:

- Student is required to submit a dissertation containing minimum of 30,000 words in the partial fulfillment of the Degree.

- Dissertation carries five credits and a total of 200 marks, which includes the following components and marks.

Sl. No. Components Marks

1 Synopsis	-	10 Marks
2 Pre-submission Presentation	-	10 Marks
3 Dissertation	-	150 Marks
4 Viva	-	30 Marks
Total	-	200 Marks

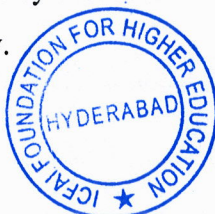
Grading Evaluation

Marks Range	Grade	Grade Points	Qualitative Meaning
175 - 200	A	10	Excellent
150 -174	B	8	Very Good
125- 149	C	6	Good
100-124	D	4	Average
Below 100	E	2	Exposed (Fail)

- Student is required to finalize the dissertation topic within 15 days from the beginning of the first semester. Student must submit a synopsis for evaluation and approval of the dissertation topic.

- An initial presentation of the topic shall be made before the CPGLS after the submission of the synopsis but within 60 days from the commencement of the first semester.

- After the successful completion of initial presentation, a guide shall be assigned to the student by the CPGLS based on the feasibility and subject-matter expertise of the concerned faculty.

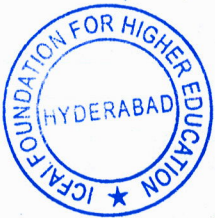



- Professors, Associate Professors and Assistant Professors are qualified to guide the LL.M. dissertations. Each guide should have not more than 5 candidates.
- Student is required to make a pre-submission presentation before CPGLS of the concerned year with an advance notice of 15 days to the office of Academics.
- Final written-submission (Dissertation) shall be submitted within one month from the date of pre-submission presentation. Five hard copies of the thesis must be submitted along with a softcopy in PDF format to the office of AR (Academics).
- Dissertation shall be assessed by both an internal and an external examiner selected by the CPGLS. On completion of the evaluation, a viva-voce will be conducted by a committee constituted with the Guide, Dean, Faculty of Law, IHE and one external examiner.

Award of Degree

The following classification based on CGPA will be made and mentioned in the graduation certificate of the student.

Distinction	CGPA 9.00 or above
I Division	CGPA 7.00 or more but less than 8.99
II Division	CGPA 5.00 or more but less than 6.99




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DETAILED STRUCTURE OF THE PAPERS TO BE TAUGHT IN EACH SEMESTER

LLM in Corporate and Commercial Laws

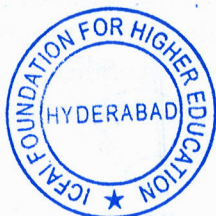
About the Program: The program is a blend of theoretical and practical learning provides wider horizons of corporate and commercial laws. Students joining the program shall have the unique experience of innovative teaching methods comparable to that of best academic institutions of the country.

Semester -1 Papers with Course Codes

Sl. No.	Code	Title of the Paper
1.	ML111	Research Methods and Legal Writing
2.	ML112	Comparative Public Law
3.	ML113	Law and Justice in Globalizing World
4.	ML114	International Trade Law
5.	ML115	Company Law

Semester – II Papers with Course Codes

Sl. No.	Course code	Title of the Paper
1.	ML121	Intellectual Property Law (IPL)
2.	ML122	Laws on Securities and Financial Markets LSFM)
3.	ML123	Commercial Arbitration (CA)
4.	ML124	Competition Law (CL)
		Dissertation



Detailed Curriculum

FIRST Semester – Total 13 Credits (Compulsory Papers)

1. Research Methods and Legal Writing (3 Credits)
2. Comparative Public Law (3 Credits)
3. Law and Justice in a Globalizing World (3 Credits)
4. International Trade Law (2 Credits)
5. Company Law (2 Credits)

Paper – I Research Methods and Legal Writing

Objectives:

The course helps the students to learn various methods of conducting research in legal studies including the collection, analysis and organization of data and recording of findings for report writing. It will help to acquaint with the scientific method of social science research and to develop the skills of legal writing. The students are expected to acquire the knowledge and skills of investigations, interpretation of primary and secondary data in socio-legal research.

Course outcome:

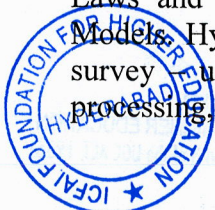
On completion of the course, the PG students will be well acquainted with the scientific methods of research and their applicability to legal research, various tools are available for collection of data, various techniques available for data analyses including statistical techniques like correlation, regression, and measures of central tendency. The students will be able to adopt these methods and techniques in LLM dissertation, and future research works.

UNIT I: Introduction to Legal Research and Writing

Meaning, scope and objectives of legal research – Significance and limitations of scientific methodology with reference to socio-legal research– Importance of legal research in common law and civil law systems –Classification of legal research – Doctrinal and Non-doctrinal– merits and demerits (evaluative, explicative, identificatory, projective, collative, impact analysis and interpretative) –Legal writing- meaning and scope.

UNIT II: Research Design and Methods

Meaning – Formulation of research design –objective and purpose of study –selection of research problem and developing a research plan (Exploration, Description, Diagnosis, Experimentation) – Research design – Basic Principles – Need of research design — Features of good design – Important concepts relating to research design – Observation and Facts, Laws and Theories, Prediction and explanation, Induction, Deduction, Development of Models, Hypothesis – meaning, scope, classification, formulation of hypothesis – literature survey – use of information technology for collection of material (word processing, data processing, graphical processing, use of excel).



UNIT III: Research Sources and Techniques

Sources of Data – Primary and Secondary Data – Sampling – different types – Determining experimental and sample designs – sampling methods – survey and case study method – scaling techniques and content analysis.

UNITIV: Research Tools and Data Processing

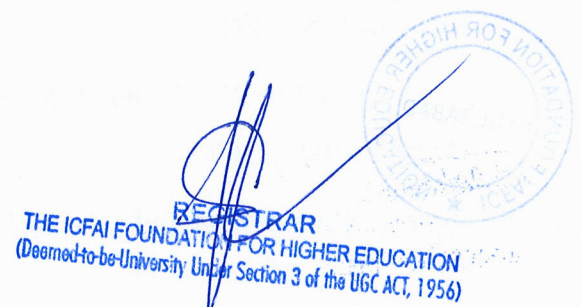
Methods of data collection – Observation and collection of data – interview and schedule – questionnaire – socio-metric and jurimetrics – Data processing and Analysis strategies (deduction and induction) – Data Analysis with Statistical Packages – Hypothesis-testing – Generalization and Interpretation.

UNITV: Legal Writing

Significance of legal writing – essentials of legal writing – legal drafting rules – citation methodology – book review and case comments – application of maxims and doctrines – Different steps in the preparation – Layout, structure and language of typical reports – Illustrations and tables – Bibliography, referencing and footnotes – Report writing – plagiarism and copyright issues.

Books:

1. Research Methodology by Wilkinson & Bhandarkar
2. Researching and Writing in Law by Terry Hutchinson, 3rd Edition
3. Concise Book on Legal Research by Robert Watt
4. Legal Research and Methodology, S K Verma & M Afzal Wani (eds), (Indian Law Institute, New Delhi, 2nd ed., 2001).
5. Decision Making in the Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research by Vijay K. Gupta, (Delhi: Kaveri Books, 1995).
6. Qualitative Research Methods for the Social Sciences, by Bruce L. Berg (London: Allyn and Bacon, 2001).
7. Legal Research Methodology, Rattan Singh (2013) Lexis Nexis
1. Research Methods for Law by Wing Hong Chui (Edinburgh University Press, 2007)



Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Research Methods and Legal Writing

Course Code: LLM

Semester: I

Faculty Name: Prof. Hemalatha Devi

Mobile No: 9542121424

Email: hemalathadevi@ifheindia.org

Objectives

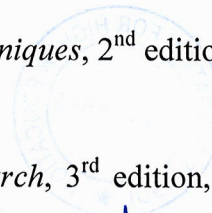
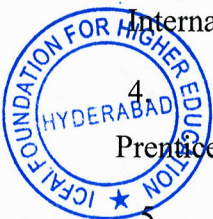
This course helps the students to learn various methods of conducting the research in legal studies including the collection, analyses, and organization of data, and recording of findings for report writing. It will help to acquaint with the scientific method of social science research and to develop the skills of legal writing. The students are expected to acquire the knowledge and skills of investigation and interpretation of primary and secondary data in socio-legal research.

Course outcome:

On completion of the course, the PG students will be well acquainted with the scientific methods of research and their applicability to legal research, various tools are available for collection of data, various techniques available for data analyses including statistical techniques like correlation, regression, and measures of central tendency. The students will be able to adopt these methods and techniques in LLM dissertation, and future research works.

Text Books and Reference Books:

1. Bruce L. Berg, *Qualitative Research Methods for the Social Sciences*, London: Allyn and Bacon, 2001.
2. Lee Epstein & Andrew D. Martin, *An Introduction to Empirical Legal Research*, 1st edition, Oxford University Press, 2014.
3. Kothari C.R., *Research Methodology: Methods and Techniques*, 2nd edition, New Age International, 2004.
4. Pauline V. Young, *Scientific Social Surveys and Research*, 3rd edition, New York: Prentice-Hall, 1960.
5. Rattan Singh (ed.), *Legal Research Methodology*, Lexis Nexis, 2013.

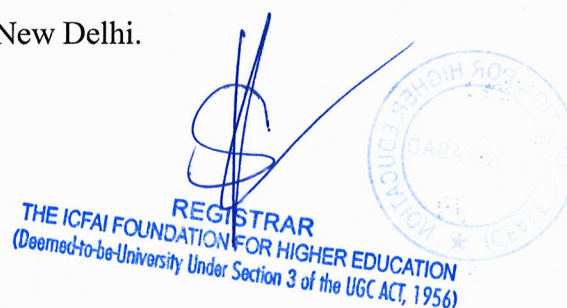


A handwritten signature in blue ink, appearing to be "S. S. S.", written over the REGISTRAR stamp.

6. Terry Hutchinson, *Researching and Writing in Law*, 3rd Edition, Law Book Company, 2010.
7. Wilkinson & Bhandarkar, *Methodology and Techniques of Social Research*, 16th edition, Himalaya Publishing House, 2000.
8. William Goode and Hatt P. K., *Methods in Social Research*, McGraw-Hill, 1952.
9. McConville & Wing Hong Chui (ed.), *Research Methods for Law*, Edinburgh University Press, 2007.
10. Verma S K & Afzal Wani M (ed.), *Legal Research and Methodology*, 2nd edition, New Delhi: Indian Law Institute, 2001.
11. Vijay K. Gupta, *Decision Making in the Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research*, Delhi: Kaveri Books, 1995.

Articles:

1. Victor S D' Souza, "Use of Induction and Deduction in Research in Social Sciences: An Illustration" 2 *Guru Nanak Journal of Sociology* 16-24 (1981).
2. Thomas Michael McDonnell, "Joining Hands and Smarts: Teaching Manual Legal Research through Collaborative Learning Groups" 40 *Journal of Legal Education* 363-374 (1990).
3. Desmond Manderson, "Asking Better Questions: Approaching the Process of Thesis Supervision" 46 *Journal of Legal Education* 407-419 (1996).
4. C M Campbell & Paul Wiles, "The Study of Law in Society in Britain" 10 *Law & Society Review* 547-578 (1975-1976).
5. Michael Zander, "Promoting Change in the Legal System" 42 *Modern Law Review* 489-507 (1979).
6. Robin K Mills, "Legal Research Instruction in Law Schools: The State of the Art" 70 *Law Library Journal* 343-348 (1977).
7. Upendra Baxi, "Socio-Legal Research in India – A Programschrift" (1975) Published by the Indian Council of Social Science Research, New Delhi.

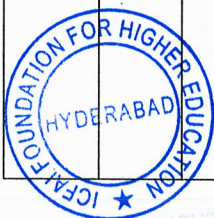


8. Wendy Schrama, "How to carry out interdisciplinary legal research: Some experiences with an interdisciplinary research method" *Utrecht Law Review* Vol.7, Issue1, January 2011 pp.147-162.

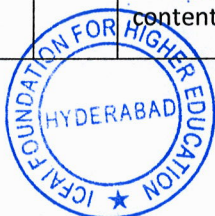
9. Eli M Sulzberger, "The Economic Analysis of Law – The Dominant Methodology for Legal Research" University of Haifa Faculty of Law Legal Studies Research Paper No. 1044382. Available at SSRN: <https://ssrn.com/abstract=1044382>. or <http://dx.doi.org/10.2139/ssrn.1044382>

Course Outline:

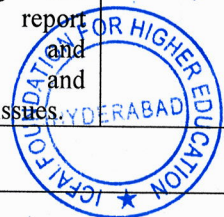
Sl. No	No. of Sessions	Topic/UNIT	Key Concepts	Course outcome
1	14	1..Introduction to Legal Research and Writing Meaning, scope and objectives of research, significance and limitations of scientific methodology with reference to socio-legal research, importance of legal research in common law and civil law systems, classification of legal research, doctrinal and non-doctrinal, merits and demerits, legal writing, meaning and scope.	Legal research, significance and limitations, scientific methodology, classification of legal research – doctrinal and non-doctrinal, impact analyses, interpretation, legal writing	The students will be able to understand and apply scientific methodology to socio-legal research in common law and civil law systems. They also would be in a position to carry out doctrinal and non-doctrinal type of legal researches. Further, the students will be acquainted with the principles of legal writing which are highly helpful in writing their report.



2	14	<p>2..Research Design and Methods :</p> <p>Meaning formulation of research design, objective, selection of research problem and developing a research plan, basic principles, need, features, importance concepts, observation and facts, laws and theories, prediction and explanation, induction, deduction, development of models, Hypotheses – meaning, classification, formulation, literature survey, use of ICT for collection of material.</p>	<p>Research design, selection of research problem, development of research plan, observation, fact, law, theory, prediction, induction deduction, research models, hypotheses, literature survey, information technology, data collection, data processing, data presentation.</p>	<p>The students will be able to understand the formulation of problem for research, formulation of a research design, and formulation of hypotheses which are highly helpful to carry out their research</p>	
3.	9	<p>3..Research resources and techniques : sources of data, primary and secondary – sampling, different types, determining experimental and sample designs, sampling methods, survey and case study method, scaling techniques and content analysis.</p>	<p>Sources of data, sampling, determining sampling, survey, case study, scaling techniques, and content analyses</p>	<p>The students will learn different types of sampling techniques which can be applied in their research for collection of data.</p>	



4.	9	Research tools and data processing – methods of data collection, observation and collection of data, interview and schedule, questionnaire, socio-metric and jurimetrics, data processing and Analysis strategies (deduction and induction), data	Data collection, observation, interview, schedule, questionnaire, socio-metrics, jurimetrics, data processing, analysis of data, analysis of strategies, statistical treatment, interpretation	The students will be able to know and apply various tools like observation, interview, schedule, questionnaire socio-metric and jurimetrics for collection of data needed for their research.	
		analysis with statistical packages, hypotheses, testing, generalization and interpretation			
5.	14	Legal writing – significance, essentials of legal writing, legal drafting rules, citation methodology, book review and case comments, application of maxims and doctrines, different steps in the preparation, layout, structure, and language of typical reports, illustrations and tables, bibliography referencing and footnotes, report writing and plagiarism and copyright issues.	Legal writing, legal drafting, citation methods, book review, commenting a case, magazines, doctrines, typical language, bibliography, footnote, plagiarism, copy right.	The students would acquire the skills of legal writing which are useful in their drafting of research report.	
Total	60				



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Videos:

1.. Legal Research by Manish Singh, <https://www.youtube.com/watch?v=AccsbCtQ2vI>



- 2..Basics of Doctrinal legal research by Prof. Sasikala Gurpur, <https://www.youtube.com/watch?v=YYUxGnKntYU>
- 3.. Sampling Techniques in research by Manishika jain https://www.youtube.com/watch?v=bQ5_PPRPjG4
- 4..Research design by Omega Statistics <https://www.youtube.com/watch?v=yadP5qcxlns>
- 5..Report writing by Sashi Agarwal <https://www.youtube.com/watch?v=qVLGQcMBoHc>

Expectations from Students:

- a. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- b. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- c. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- d. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- e. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- f. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- g. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- h. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- i. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- j. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a ZERO to all involved parties.

Class Organization

Class Representative

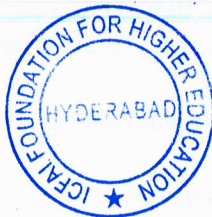
Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Brief profile of the Faculty Member

Prof. V. Hemalata Devi is a Doctorate in Law and ML in Constitutional and International Law from Sri Venkateswara University, Tirupati. She has 32 years of Teaching & Research experience. She has guided 16 PhDs and published 58 Research Papers in National and International Journals. She has presented her Research Papers in National and International Conferences/ seminars and has visited Germany, Poland, Sweden, Singapore, Sri Lanka and Ghana in this connection. She has received 'Best teacher Award' from the Government of A.P. Her areas of interest include Environmental Law and Woman & Law.



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Paper – II Comparative Public Law

Objectives:

The course helps the student familiarize with the basic concepts of Public Law, knowledge and understanding about the Constitution and its relationship with State and citizen. It also helps in understanding the Comparative and Contemporary Perspective of Governments and Public Law in various Democracies like England, USA and France and also to study principles of criminal liability and the concept of international criminal justice and measures to adopt and maintain peace in the society. It seeks to trace out the evolution of Corporate Law in the wake of Globalization.

Course outcome:

At the end of the course students understand the concept of public law particularly the Constitutional Law, Administrative Law, Criminal Law and Corporate Law in comparison with different countries and the contemporary issues.

UNIT I Introduction

Public law – meaning, concept and definition – distinguish public and private law – Public law in comparative perspective – Contemporary Issues–Employment, Aging Population, Cyber Security, Urbanization, Social Security, Human Rights and Legal Aid

UNIT II Comparative Constitutional Law

Concept of the Constitution – Elements of Constitutionalism – Constitution as Supreme/Higher Law – Rule of law – Bill of Rights – Separation of Powers – Judicial Review – Independence of Judiciary – Constitutional Remedies – Amendment of the Constitution – Impact of Globalization on Constitutionalism

UNIT III Comparative Administrative Law

Classification of Administrative action – Administrative Discretion – Principles of natural Justice – Ombudsman – Administrative Liability – Transparency and Accountability

UNIT IV Comparative Criminal law

Concept and essentials of Crime – Principles of Criminal Liability – Criminal Justice – Fair Trial – International Criminal Justice (Genocide, Crime against Humanity) – International Court of Justice – International Criminal Court (Rome Statute) – Hybrid Courts, Juvenile Justice, White Collar Crimes, Homicide, Violence against Women (VAW)

UNIT V Comparative Corporate Law

Origin and development of corporate law in UK, US and France – Influence on India and China – Development with economic and social Globalization – Principles of Corporation law – Liability of Corporations – Corporate Governance and Social Responsibility

Books: There is no one text book for the course. A detailed reading list will be provided to students week by week

1. A Text book on Jurisprudence by Paton
2. Hall, Jerome: General Principles of Criminal Law (1960), 2nd Ed.
3. Kenny's: Outlines of Criminal Law, 19th Ed.
4. Russell: On Crime, 12th Ed. Vol. I
5. An Introduction to Comparative Law Theory and Method BY Geoffrey Samuel, First Edition (EUROPEAN ACADEMY OF LEGAL THEORY SERIES) (HART PUBLISHING, OXFORD)
6. Critical Legal Perspectives on Global Governance by Liber Amicorum David M Trubek First Edition Edited by: Gráinne de Búrca, Claire Kilpatrick, Joanne Scott (HART PUBLISHING, OXFORD)
7. International Investment Law and Comparative Public Law: An Introduction, Stephan W. Schill, Oxford University Press, 2010,
8. Comparative Constitutional Law (Research Handbooks in Comparative Law series) Edited by Tom Ginsburg & Rosalind Dixon (Edward Elgar Publishing)
9. De Smith's Judicial Review, 7th Ed. (Sweet & Maxwell)
10. LC Backer (ed) Comparative Corporate Law: United States, European Union, China and Japan (Carolina Academic Press, 2002)



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ICFAI Law School, Hyderabad

Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Comparative Public Law

Course Code: LLM

Semester: I

Faculty Name: Dr S V Damodar Reddy

Mobile No: 9440238077

Email: drsvdamodarreddy@gmail.com

Objectives

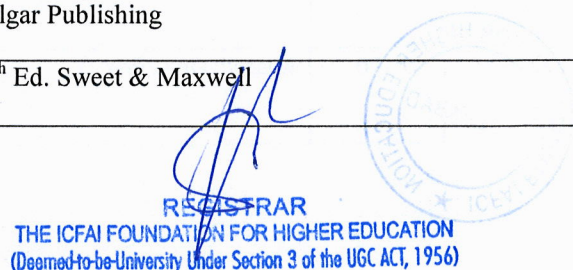
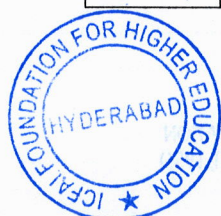
This course helps the student familiarize with the basic concepts of Public Law, knowledge and understanding about the Constitution and its relationship with State and citizen. It also helps in understanding the Comparative and Contemporary Perspective of Governments and Public Law in various Democracies like England, USA, Canada, Australia and France and also to study principles of criminal liability and the concept of international criminal justice and measures to adopt and maintain peace in the society.

Course outcome:

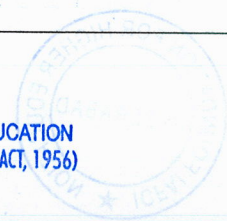
At the end of the course students understand the concept of public law particularly the Constitutional Law, Administrative Law, Criminal Law and Corporate Law in comparison with different countries and the contemporary issues.

Recommended Text Books and Reference Books

	TEXT BOOK	AUTHOR / PUBLICATION
1.	<u>An Introduction to Comparative Law Theory and Method</u>	Geoffrey Samuel, First Edition (EUROPEAN ACADEMY OF LEGAL THEORY SERIES) (HART PUBLISHING, OXFORD)
2.	<u>Critical Legal Perspectives on Global Governance</u>	Liber Amicorum David M Trubek First Edition Edited by: Gráinne de Búrca, Claire Kilpatrick, Joanne Scott (HART PUBLISHING, OXFORD)
3.	International Investment Law and Comparative Public Law: An Introduction	Stephan W. Schill, Oxford University Press, 2010,
4.	Comparative Constitutional Law (Research Handbooks in Comparative Law series)	Tom Ginsburg & Rosalind Dixon Ed. Edward Elgar Publishing
5.	Judicial Review	De Smith's 7 th Ed. Sweet & Maxwell



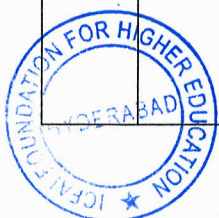
6.	Effective Judicial Review: A Cornerstone of Good Governance	Christopher Forsyth, Mark Elliott, Swati Jhaveri, (Oxford University Press, 2010).
7.	Comparative Constitutional Law	D.D. Basu, (2nd ed., Wadhwa Nagpur).
8.	The Living Constitution Framing of Indian Constitution	David Strauss, (Oxford University Press, 2010) Dr. Subhash C Kashyap, (Universal Law, 2004)
9.	Constitutional and Administrative Law	Elizabeth Giussani, (Sweet and Maxwell, 2008)
10.	Constitutional Law, Principles and Policies	Erwin Chemerinsky, (3rd ed., Aspen, 2006)
11.	Constitution of the World	M.V. Pylee, (Universal, 2006)
12.	Comparative Constitutional Law	Mahendra P. Singh, (Eastern Book Company, 1989).
13.	The Democratic Constitution	Neal Devins and Louis Fisher, (Oxford University Press, 2010)
14.	Judicial Review and Fundamental Rights	S.N Ray, (Eastern Law House, 1974).
15.	Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine	Sudhir Krishna Swamy, (Oxford University Press, 2009)
16.	Comparative Constitutionalism in South Asia	Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, (Oxford University Press, 2013).
17.	Global Perspectives on Constitutional Law	Vikram David Amar, Mark Tushnet, (Oxford University Press, 2009).
18.	The Endurance of National Constitutions	Zachery Elkins, Tom Ginsburg, James Melton, (Cambridge University Press, 2009).
19.	General Principles of Criminal Law	Hall, Jerome: (1960), 2nd Ed.
20.	Russell: On Crime	J.W. Cecil Turner 12th Ed. Vol. I Sweet & Maxwell Ltd



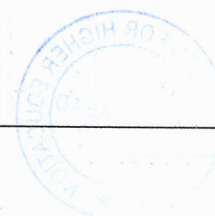
21.	Kenny's: Outlines of Criminal Law	J.W. Cecil Turner 19th Ed. Cambridge University Press
22.	Comparative Corporate Law: United States, European Union, China and Japan	LC Backer (ed) Carolina Academic Press, 2002

Course Outline:

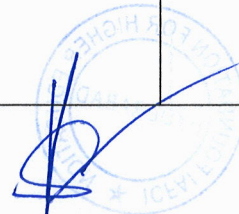
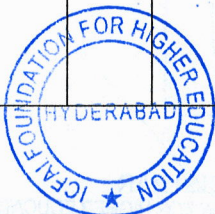
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
	8	Introduction to the Study of Comparative Public Law	Public law – meaning, concept and definition – distinguish public and private law – Public law in comparative perspective - Contemporary Issues - Employment, Aging Population, Cyber Security, Urbanization, Social Security, Human Rights and Legal Aid	1. Comparative Public Law from above and below Methodical Perspectives in The Globalized World by TSN Shastry - EBH Publishers 2. Use of Comparative Method for Internationalization of Indian Laws by Dugambini Patel - EBH Publishers 3. The High Court, The	Constitutions and constitutionalism (Law) ePathshala: https://www.youtube.com/watch?v=Rk-RpqBXLDQ	Students are able to understand the meaning and concept of public law and the various contemporary issues relating to public law.



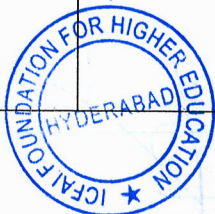
				Constitution and Human Rights by George Williams – EBH Publishers 4. Human Rights and Good Governance by Manoj Kr. Sinha, EBH Publishers		
13	Comparative Constitutional Law	Concept of the Constitution - Meaning and Idea of Constitution; Constitutionalism - Nature and Goals – Idea of Living Constitution - Constitution as Supreme/Higher Law – Bill of Rights – Separation of Powers - Judicial Review - Judicial Activism– Rule of law – Constitutional Remedies – Amendment of the Constitution – Impact of Globalization on Constitutionalism	1. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) South Asian Studies 299-309 (JulyDec	Comparative Constitution & Preamble https://www.youtube.com/watch?v=im-A26Eha40	Students are acquainted with Idea of Constitution and the Constitutional Ideals present in United Kingdom, United States of America, other countries and India	



				<p>ember 2011).</p> <p>2. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights", 60(4) International and Comparative Law Quarterly 867-894 (2011 October).</p> <p>3. Bruce Ackerman, "The New Separation of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)</p> <p>4. Bryan Clark and Amanda Leiter, "Regulatory hide and seek: What</p>	
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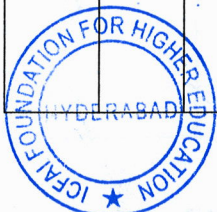


				<p>agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)</p> <p>5. Chhavi Agarwal, " Rule of Law: Reflection upon we the People and Beyond" 252 (1) Madras Law Journal 8-16 (2010)</p> <p>6. Daniel B. Rodriguez, "Change that matters: Essay on State Constitutional Development", 115(4) Penn</p>		
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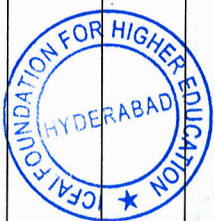
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				<p>State Law Review 1073-1098 (Spring 2011).</p> <p>7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).</p> <p>8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) Virginia Law Review 1685-1726 (November</p>	
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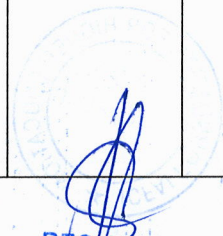
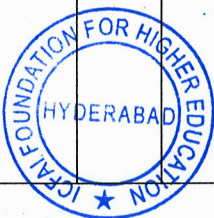
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				<p>2011).</p> <p>9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)</p> <p>10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)</p> <p>11. Ishwara Bhat, "Why and how Federalism matters in Elimination of Disparities and</p>		
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				<p>Promotion of Equal Opportunities for Positive Rights”, 54(3) Journal of the Indian Law Institute 324-363 (July-Sept 2012).</p> <p>12. Jessica Bulman, “Federalism as a safeguard of the Separation of Powers”, 112(3) Columbia Law Review 459-506 (2012 April)</p> <p>13. Jonathan Siegel, “Institutional case for Judicial Review” 97(4) Iowa Law Review 1147-1200</p>	
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				<p>(2012 May).</p> <p>14. K.K. Venugopal, "Separation of Power and the Supreme Court of India", Vol. 2 No. 2</p> <p>Journal of Law and Social Policy 64-82 (July 2008).</p> <p>15. Linda Bosniak, "Persons and Citizens in Constitutional Thought " 8 (1) International Journal of Constitutional Law 9-29 (January 2010).</p> <p>16. Mark Tushnet, "The</p>	
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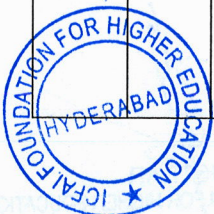
				<p>Possibilities of Comparative Constitutional Law", 108 Yale.L.J. 1225 (1999).</p> <p>17. Nathan Chapman, "Due Process as Separation of Powers", 121(7) Yale Law Journal 1672-1807 (2012 May).</p> <p>18. Quinn Rosenkrantz, "Subjects of the Constitution" 62 (5) Stanford Law Review 1209-1292 (May 2010)</p> <p>19. Rajvir Sharma, "Judicial</p>	
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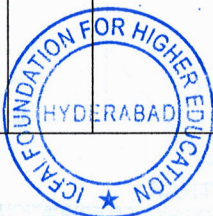
 20.
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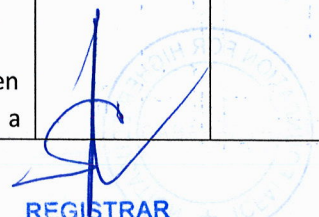
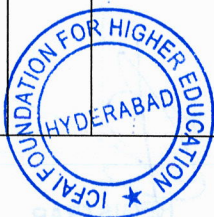


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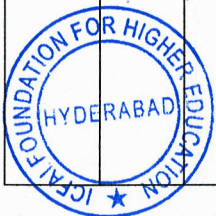
				<p>tional Contesta tion", 115(4) Penn State Law Review 983- 1006 (2011 Spring).</p> <p>22. Tom Ginsburg , Eric Posner, "Sub Constitu tionalis m" 62 (6) Stanford Law Review 1583- 1628 (June 2010).</p> <p>23. The Concept of A Constitu tion and Constitu tional Law and Its Relation ship with Stateho od, Territori ality and Citizensh ip, by Subhash Chandra</p>	
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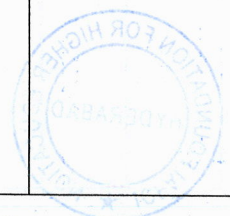
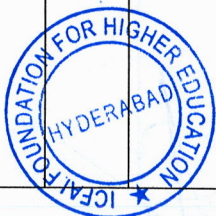
				<p>Singh – EBH Publishers</p> <p>24. British Constitution: Contrast with the Constitution of USA and India by</p>		
				<p>Sujata Bhattacharya – EBH Publishers</p> <p>25. Amendment of The Constitution by Jai S Singh – EBH Publishers</p> <p>26. Prevention of Loss or Decline of Vernacular and Indigenous Languages in the Indian sub-continent: a</p>		



				<p>Comparative Analysis of Laws and Policies in the context of Globalization, Language Right Education and the Reality of Linguistic Diversity by P Ishwara Bhat – EBH Publishers</p> <p>27. Limited Government, Judicial Review and Judicial Activism by Jayadev Pati, EBH Publishers</p> <p>28. Limited Government, Judicial Review</p>	
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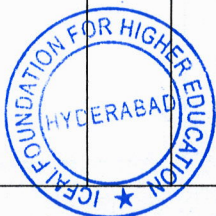
				<p>and Judicial Activism by R D Dubey – EBH Publishe rs</p> <p>29. Supreme Court: Law Declared And</p>	
				<p>Comple te Justice – Constitu tional Boundar ies by Y F Jaya Kumar, EBH Publishe rs</p> <p>30. Judiciary , Public Interest Litigatio n, Locus Standi and the Nature of Judicial Power by Manoha r Kalita – EBH Publishe rs</p>	



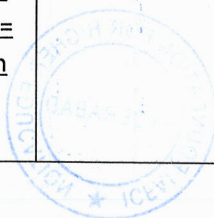
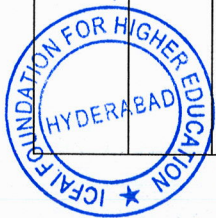
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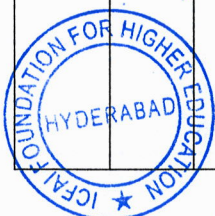
	12	Comparative Administrative Law	Concept, Doctrines – Natural Justice, Reasonable Expectation, Reasonableness, Transparency and Accountability; Administrative discretion – Ombudsman - Administrative Tribunal - Administrative Liability – Delegated Legislation	1.Global Administrative Law in Global World: An Overview of Emerging Public Law by Mithilesh Narayan Bhatt – EBH Publishers 2. Open Government and Accountability Under RTI Regim – Mrinalini Kharshiing – EBH Publishers 3.Governance Through Public Law and Constitutional Dimensions by Subir Bhatnagar – EBH Publishers 4. Independ	Global Administrative Law https://www.youtube.com/watch?v=yosmR1TvGLE A Comparative Administrative Law Study https://www.dailymotion.com	Student come to know the aspects of comparative administrative law present in United Kingdom, United States of America, Scandinavian Countries and India



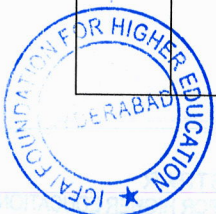
				ence of the Judiciary in India and England – Transparency of Appointment and Accountability of Judges by Tushar Kanti Saha – EBH Publishers		
				5. Human Rights and Good Governance by Manoj Kr. Sinha, EBH Publishers		
	12	Comparative Criminal law	Concept and essentials of Crime - Principles of Criminal Liability - Criminal Justice - Fair Trial - International Criminal Justice (Genocide, Crime against Humanity) – International Court of Justice - International Criminal Court (Rome Statute) – Hybrid Courts, Juvenile Justice, White Collar Crimes, Homicide, Violence against Women (VAW)	1. General Principles of Criminal Law Hall, Jerome: (1960), 2nd Ed. 2. Russell: On Crime J. W. Cecil Turner 1 2th Ed. Vol. I Sweet & Maxwell Ltd 3.	Introduction to Comparative Criminal Justice Systems https://www.youtube.com/watch?v=g947B4vzJN8 Comparative Criminal Justice: An Institutional Approach https://www.youtube.com/watch?v=qegKrbDrenU	Students understand the concept and essentials of crime, International Criminal Justice Systems and its administration in comparison with India.



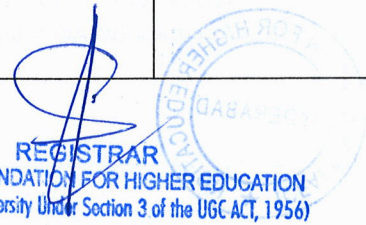
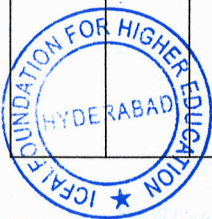
				<p>Kenny's: Outlines of Criminal Law</p> <p>J.W. Cecil Turner 9th Ed. Cambridge University Press</p>	
	10	Comparative Corporate Law	Origin and development of corporate law in US, UK, France – Influence on India and China – Development with economic and social Globalization – Principles of Corporation law – Liability of Corporations	<p>1.Comparative Corporate Law: United States, European Union, China and Japan</p> <p>LC Backer (ed) Carolina Academic Press, 2002</p> <p>2.Comparative Public Law from above and below Methodical Perspectives in The Globalized World by TSN Shastry - EBH</p>	Students able to know the presence of corporate law system in the United Kingdom, United States of America, France, China and India.



				Publishe rs 3.Use of Compar ative Method for Internati onalizati on of Indian Laws by Dugambi ni Patel - EBH Publishe rs	
				4.The Psycholog y of Corporate Dishonest y by Kath Hall – IUP Law Review 5. Rethinkin g Theories of Corporate Liability in Criminal Law: Pushing the Legislativ e Envelope – A Comparis on of Canadian, American and English Developm ents by	



				<p>Mariam Maisonville – IUP Law Review</p> <p>6. The Changing Atmospheres of Corporate Crime Sentencing in the Post Sarbanes- Oxley Act Era by Peter J. Henning IUP Law Review</p> <p>7. Imagining How a Company Thinks: What is Corporate Culture? By Alice Belcher IUP Law Review</p> <p>8. In Enron's Wake: Corporate Executives on Trial by Kathleen F Brickey IUP Law Review</p> <p>9. Stone V Ritter and</p>	
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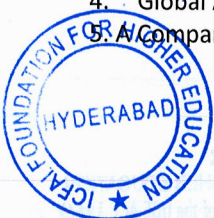
				the Expanding Duty of Loyalty by Claire A Hill and Brett by H Mc Donnell		
	5	Guest Lectures	Comparative Public Law Comparative Constitution Comparative Administrative Law Comparative Criminal Law Comparative Corporate Law			
Total	60					

Case Laws

1. Marbury v. Madison 5 US 137 (1803)
2. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha, AIR 2007 SC 1448
3. Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461
4. National Legal Services Authority v. Union of India AIR 2014 SC 1863
5. Rameshwar Prasad v. Union of India (2006) 2 SCC 1
6. Medical and Educational Charitable Trust v. State of Tamil Nadu (1996) 3 SCC 15
7. Prem Chand v. Executive Commissioner AIR 1963 SC 996
8. Hinch Lal Tiwari v. Kamala Devi (2001) 6 SCC 496
9. Panama Refinery Company v. Ryan (1935) 293 U.S. (400)
10. S.P. Gupta v. President AIR 1982 SC 149

Video Lessons

1. Constitutions and constitutionalism (Law) ePathshala: <https://www.youtube.com/watch?v=Rk-RpqbXLDQ>
2. Comparative Constitution & Preamble
<https://www.youtube.com/watch?v=im-A26Eha40>
3. Constitutional design: separation of powers (Law) <https://www.youtube.com/watch?v=58o45McFJRQ>
4. Global Administrative Law : <https://www.youtube.com/watch?v=yosmR1TvGIE>
5. A Comparative Administrative Law Study: <https://www.dailymotion.com>



Expectations from Students:

- k. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- l. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- m. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- n. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- o. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- p. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- q. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- r. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- s. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- t. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

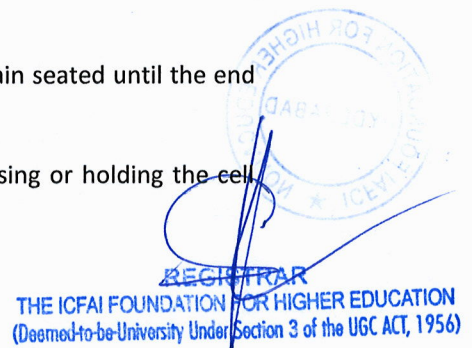
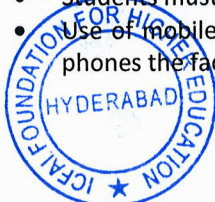
Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

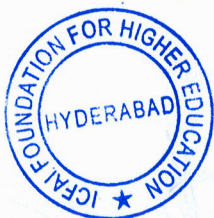
- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.




- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Brief profile of the Faculty Member

Dr. S V Damodar Reddy is having fourteen years of full time teaching experience with qualified PhD. in (Intellectual Property Laws), UGC-NET and UGC-AP-SET, LLM, MBA, PG Diploma in Intellectual Property Rights., PG Diploma in Computer Applications., GC in Intellectual Property Rights from WIPO, Geneva, Switzerland. Published a book entitled "Intellectual Property Rights Laws and Practice", and the Research fields include Intellectual Property Laws, Land Laws and Real Estate Laws beside others. Presented papers in International and National Seminars, written articles, acted as resource person for the Judicial Officers, Assistant Public Prosecutors coaching and for many other organizations. Recorded Video lessons on the subjects Land Laws, Interpretation of Statutes, Drafting, Pleading and Conveyancing for Educational and Multimedia Research Center (EMMRC).




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Paper –III - Law and Justice in a Globalizing World

Objectives:

The paper aims to provide an understanding about the nature of law and justice in the changed global scenario; develop critical thinking among students regarding nature of law and justice and examine the relevance of Theories of Law and Justice in the contemporary Globalised World.

Course outcome: The study of this course will enable the students to have conceptual clarity as to the meaning and significance of Globalization and its impact on Law and Justice. It also enables the students to learn the various historical and contemporary theories of law and justice and their relevance to provide solutions or reasoning to solve the problems of the era of Globalization. On completion of the course students will be in a position to comprehend the social, economic and political developments at international level which require a new kind of jurisprudence to address the problems of the developing nations and to strike a balance between both the developed and developing nations.

UNIT I - Introduction

Globalization – Meaning and Significance – Social, Economic and Political dimensions of Globalization – Emergence of Transnational Law in a Globalizing World – Global Rule of Law

UNIT II - Nature of Law

Meaning and Concept; Theories of law: Natural Law Philosophy – Positivism – Historical, Economic and Sociological approaches to Law

UNIT III - Concept of Justice

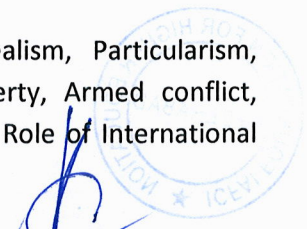
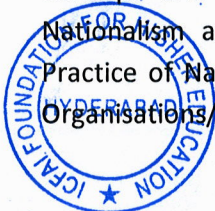
Justice – Meaning and Nature; Theories of Justice: Metaphysical Idealism – Theological Interpretation – Social Contract and Natural Rights Theory – Individualist Utilitarianism – Social Utilitarianism – Social Good Theory – Economic Theory – Justice as Fairness; Contemporary Ideas of Justice

UNIT IV - Globalization, Rule of Law and Constitutional Governance

Impact of Globalization on Sovereignty of States and Democratic law making – Globalization and Human Rights – Impact on Welfare State, Natural Resources and Environment – Globalization and Free Market – Impact of Globalization on Trade Law – Impact of Globalization on Judicial Process and Administration of Justice

UNIT V - Global justice

Concept and Meaning; Theoretical Propositions of Global Justice – Realism, Particularism, Nationalism and Cosmopolitanism; Issues Impacting Global Justice – Poverty, Armed conflict, Practice of Nationalism, Crimes against Humanity, Terrorism, Global Politics; Role of International Organisations/Institutions



Books: There is no one text book for the course. A detailed reading list will be provided to students week by week

1. Modern Jurisprudence: A Philosophical Guide by Sean Coyle (First Edn) (Hart Publishing, Oxford)
2. Deconstruction and the Possibility of Justice By Drucilla Cornell, Michel Rosenfeld, Benjamin N. Cardozo School of Law
3. The Idea of Justice By Amartya Sen
4. Development as Freedom By Amartya Sen
5. Globalisation and Legal Theory by William Twining (Cambridge University Press)
6. Encyclopedia of Global Justice by Deen K. Chatterjee (Springer Science & Business Media)
7. Global Justice: The Politics of War Crimes Trials by Kingsley Chiedu Moghalu (Greenwood Publishing Group)
8. Real World Justice: Grounds, Principles, Human Rights, and Social Institutions, A. Follesdal, T. Pogge (Springer Science & Business Media)
9. Frontiers of Justice: Disability, Nationality, Species Membership by Martha C. NUSSBAUM (Harvard University Press)
10. The Law of Peoples: With, The Idea of Public Reason Revisited by John Rawls (Harvard University Press)
11. Global Justice Reform: A Comparative Methodology by Hiram Chodosh NYU Press, 01-Jan-2005
12. Law in a Changing Society by W. Friedmann
13. Legal Theory by W. Friedmann




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Course Hand Out
Academic Year – 2019-20

(Class of 2020)

Course Name: **Law and Justice in a Globalizing World**

Course Code: LL. M.

Semester: First

Faculty Name: Y .Pratap Reddy

Mobile No: 9441081663

Email: ypratapreddy@ifheindia.org

Objectives of the Course: This course helps the student to understand the nature of law and justice, develop critical thinking among students in regard to nature of law and justice. It provides an opportunity to learn various theories and concepts of law and justice and to study various international institutions viz., United Nations, International Court of Justice and its role and importance. It also helps the student to analyze various issues and challenges and mechanisms to adopt to have amicable relationship among the developing and developed nations.

Course outcome: The study of this course will enable the students to have conceptual clarity as to the meaning and significance of Globalization and its impact on Law and Justice. It also enables the students to learn the various historical and contemporary theories of law and justice and their relevance to provide solutions or reasoning to solve the problems of the era of Globalization. On completion of the course students will be in a position to comprehend the social, economic and political developments at international level which require a new kind of jurisprudence to address the problems of the developing nations and to strike a balance between both the developed and developing nations.

Recommended Text Books and Reference Books

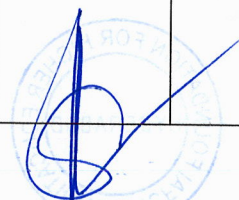
	TEXT BOOK	AUTHOR / PUBLICATION
1	Globalization and Legal Theory	William Twining
2	The Idea of Justice	Amartya Sen
3	Modern Jurisprudence: A Philosophical Guide	Sean Coyle

Course Outline:

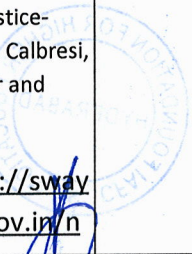
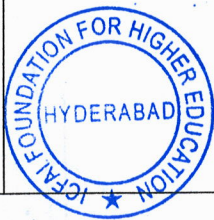


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Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1	5	Concept of Globalization	Communitarianism Nationalism Cosmopolitanism Pluralism Universalism Global Legal Pluralism	Global Legal Pluralism: A Jurisprudence of Law Beyond Borders by Paul Schiff Berman	Law and Justice in a Globalizing World Concept and meaning of law, justice and globalization https://swayam.gov.in/nid2ugc19hs40/preview	Student will understand the meaning and characteristics of globalization
2	5	Impact of Globalization	Social Mobility Economic Liberalization Denationalization Deregulation Disinvestment World Trade	Globalization and its impact on Indian Society by YG Naidu	What are the impacts of Globalization https://www.youtube.com/watch?v=zfnOXHCfDHA	Student will be in a position to evaluate the impact of globalization on social, economic and political aspects.
3	5	Global Rule of Law	Supremacy of Law Authority of Law Equality before law	The Authority of Law by Joseph Raz Are Sovereigns entitled to the benefit of the International Rule of Law? By Jeremy Waldron The Law of Global Governance by Eyal Benvenisti	International Rule of Law https://www.youtube.com/watch?v=BqteMMwrg5A	Students will learn how the concept of Rule of Law is relevant to protect the interests of individuals as well as the sovereign independent nations at international level.



4	12	Theories of Law	<p>Natural law</p> <p>Jus gentium</p> <p>Positivism</p> <p>Basic Norm</p> <p>Social Solidarity</p> <p>Social Engineering</p> <p>Jural Postulates</p> <p>Realism</p>	<p>Pure Theory of Law by Hans Kelsen</p> <p>Treatise on Law by Thomas Aquinas</p> <p>The Concept of Law by HLA Hart</p> <p>The Morality of Law by Fuller</p> <p>Jurisprudence by Roscoe Pound</p> <p>The Province and Function of Law by Julius Stone</p> <p>Legal Theory by Friedmann</p>	<p>Globalisation of law and legal theory</p> <p>https://swayam.gov.in/nd2_uhc19_hsd20/preview</p>	<p>Students will get an exposure to the jurisprudential thought of intellectual minds as to the nature of law and its evolution.</p>
5	12	Theories of Justice	<p>Libertarianism</p> <p>Individual Utilitarianism</p> <p>Social Utilitarianism</p> <p>Categorical Imperatives</p> <p>Inner morality of Law</p> <p>Natural Rights</p> <p>Metaphysical Idealism</p>	<p>A Theory of Justice by John Rawls</p> <p>Anarchy, State and Utopia by Robert Nozick</p> <p>The Idea of Justice by Amartya</p>	<p>William Twining on Globalisation and legal theory</p> <p>Economic theory of law and justice- Coase, Calbresi, Posner and Marx</p> <p>https://swayam.gov.in/</p>	<p>Students will get clarity about the idea of justice and the need for new theories of justice to meet the problems of globalization.</p>



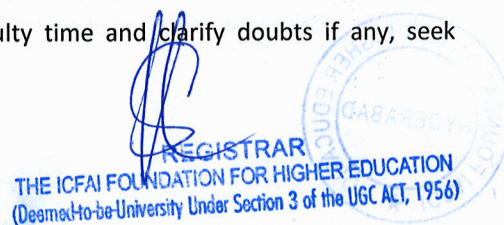
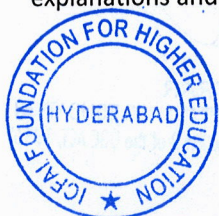
				Sen Utilitarianism by John Stuart Mill Natural Law and Natural Rights by John Finnis	d2 ugc19 hs40/preview	
6	7	Globalization and Law	Westphalian Concept of Sovereignty Sovereign State Global Governance European Union Human Rights WTO	Globalization and State Sovereignty by Mohd Ashraf Ganaie Is State Sovereignty Diminishing or Transforming in the Globalized World by Muhtadi Faiaz	Impact of globalisation on human rights https://swayam.gov.in/nd2 ugc19 hs40/preview	Students will understand how the State Sovereignty is subject to certain limitations imposed by the international community and how the economy of a country needs to be integrated with the world economy.
7	7	Global Justice	Poverty Nationality War crimes Crimes against humanity	Encyclopedia of Global Justice by Deen K. Chatterjee World Poverty and Human Rights by Thomas Pogge Cosmopolitan Justice by Darrel Moellendorf	Globalisation and its impact on administration of justice and access to justice https://swayam.gov.in/nd2 ugc19 hs40/preview	Students will get knowledge about the various issues impacting global justice and the remedial measures to overcome those issues.



8	7	International Institutions	UN ICJ ICC UNHCR IMF World Bank	International Organization and Global Governance by Thomas G. Weiss & Rorden Wilkinson	Global Justice and International Law https://swayam.gov.in/nid2_ugc19_hsd2019/preview	The students will get exposure to the purpose and functions of some International Institutions in achieving the goal of global justice.
Total	60					

Expectations from Students:

- u. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- v. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- w. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- x. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- y. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- z. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- aa. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- bb. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- cc. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.



dd. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

- Five (5) Marks for attendance will be given as below-

Attendance percentage	Marks allotted
96-100	5
91-95	4
86-90	3
81-85	2
75-80	1
Less than 75%	0

ee. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

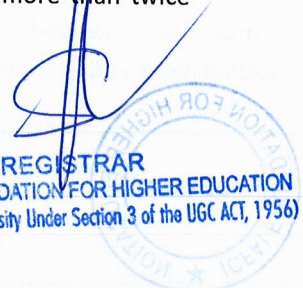
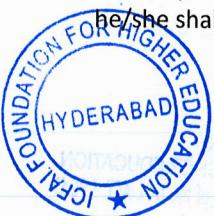
Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.



Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.


Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment				
NCP II	Mid Term				
NCP III	Internal Assessment				
NCP IV	Class Participation				
NCP V	Attendance				
End Term	End Term				

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Professor of Law (Retd.), Osmania University, Hyderabad




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Paper 4- International Trade Law

Objectives:

The course deals with international trade aspects covering both public and private international trade law. It provides inputs to students to learn and understand the evolution of new international economic order, various measures regarding tariff reduction and markets free access in the world economy. The course deals with various steps taken by India in order to make WTO obligations effective. It also deals with international sale of goods and payment methods, international disputes resolution mechanisms, taxation process and Indian foreign trade policy. This course helps the students to learn about electronic commerce and its significance in the global economic scenario.

Course outcomes: The student will gain in depth knowledge on the various dimensions of international trade, the need to encourage trade and study the various platforms available to engage in international trade practices

UNIT I Introduction

Evolution of International Trade – Theories of International Trade – GATT 1947- International Conventions and Organizations: The Vienna Convention on the Sale of Goods 1980 – UNCITRAL – UNCTAD – WTO – GATT 1994 – TRIPS – ICC – CISG

UNIT II International Sale of Goods

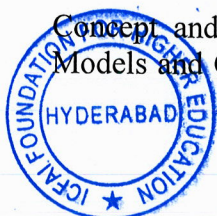
Special trade terms in export sales – Definitions, kinds (Ex Works, CIF Contracts, C&F Contracts, FOB Contracts, and FAS Contracts) – Differences between rights and duties of buyers and sellers – Letter of Credit – INCOTERMS – Subsequent Developments

UNIT III Law relating to International Carriage of Goods (Transportation of Cargo)

UN Convention on Carriage of Goods by Sea – Liability of Operators of Transport Terminal –Transportation of Goods by Sea – Charterparties – Bill of Lading – Convention on the International Carriage of Goods by Sea 1978 (Hamburg Rules); International Carriage of Goods by Air; International Carriage of Goods by Rail; International Carriage of Goods by Roads; International Multimodal Transport – Trade U.N. Convention on the Limitation period in International Sale of Goods Act, 1973

UNIT IV: International Taxation

Concept and Principles of International Taxation – Double Taxation – Related Treaties/ Models and Conventions – Issues – Conflict of laws and Interpretation – Measures to avoid



double Taxation – India and Double Taxation Avoidance Agreements – Foreign Exchange and Taxation – Foreign Direct Investment and Transfer of Technology

UNIT V E – Commerce

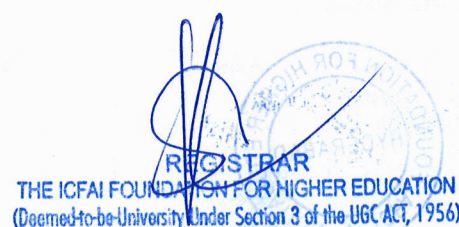
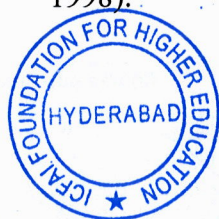
Meaning – Significance – Electronic Data Interchange; UNCITRAL Model law on e-Commerce; UN Convention on the use of Electronic Communications in International Contracts 2005; Electronic Signatures and UNCITRAL Model Law 2001 – Cross-border recognition

UNIT VI Dispute Resolution

WTO AND IPR related issues – TRIPS Obligation on Indian Pharmaceuticals – UNCITRAL Model of International Commercial Arbitration – Role of International Court of Arbitration – Enforcement of Foreign Arbitral Award – Enforcement of Foreign – Arbitral Awards in India – UNCITRAL Model Law on Commercial Conciliation

Books:

1. Principles of International Trade Law by Indira Carr and Peter stone, RoutledgePublishing, 2008
2. Schmitthoff, M. Clive, Halloway, David & Timson-Hunt, Daren, The Law and Practice of International Trade (Sweet & Maxwell, London, 2007).
3. D. M. Day and Griffin, Bernardette, the Law of International. Trade (Butterworth and Lexis Nexis, London, 2003).
4. Chuah, J.C.T, Law of International Trade (Sweet and Maxwell, London, 2001).
5. Understanding International Trade Law by Simone Schnitzer
6. Thommem, T. Kochu, Bills of Lading in International Law and Practice (Eastern Book Company, Lucknow, 1984).
7. Palmeter and Mavroids, Dispute Settlement in the World Trade Organization (Kluwer Law International, 1999).
8. Kevin Holmes, International Tax Policy and Double Taxation Treaties: An Introduction to Principles and Application, (IBFD Publications, Netherlands, 2007).
9. Philip Bentley, Aubrey Silberston, Anti – Dumping and Countervailing Actions, Limits Imposed by Economic and Legal theory, (Edward Elgar Publishing Limited, Northampton, 2007)
10. WTO, From GATT to the WTO-The Multilateral Trading System in the New Millennium (Kluwer Law International, 2000).
11. Moens, Gabriel and Giles, Peter, International Trade and Business Law, Policy and Ethics (Canadian Publishing, London, 1998).
12. Tom-George, Minarbene, International Commercial Arbitration (Institutional Arbitral Rules) UNCITRAL, ICSID, WIPO (Sheriden Book Company, New Delhi, 1996).
13. Tetley, William, Marine Cargo Claims (International Shipping Publications, Canada, 1998).



Course Hand Out
Academic Year – 2019-20

Course Name: International Trade Law

Course Code:

Semester: 1 Semester

Faculty Name: Prof. Vidya Kumari

Mobile No: 9885674637

Email: tvidyakumari@gmail.com

Objectives of the Course: The course deals with international trade aspects covering both public and private international trade law. It provides inputs to students to learn and understand the evolution of new international economic order, various measures regarding tariff reduction and markets free access in the world economy. The course deals with various steps taken by India in order to make WTO obligations effective. It also deals with international sale of goods and payment methods, international disputes resolution mechanisms, taxation process and Indian foreign trade policy. This course helps the students to learn about electronic commerce and its significance in the global economic scenario

Course outcomes: The student will gain indepth knowledge on the various dimensions of international trade, the need to encourage trade and study the various platforms available to engage in international trade practices

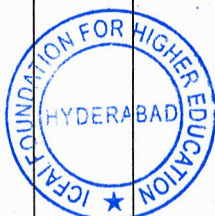
Recommended Text Books and Reference Books

S. No	TEXT BOOK	AUTHOR / PUBLICATION
1.	International Trade Law	Ishita chatterjee
2.	International Trade Law	Myneni
3.	Principles of International Trade Law	Indira Carr and Peter stone

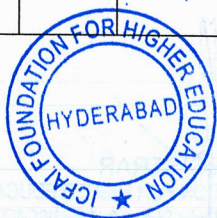
Course Outline:

Sl. No	No. of Session	Topic	Key Concepts	Text Book Material to use	Chapter Reading / Videos	Course outcome

1	6	Evolution of International Trade	History of international trade law– Theories of International Trade-	International Trade Law Ishita chatterjee International Trade Law ;Myneni	Chapter 1 and II Ishita chatterjee ;Myneni chapter 1	The student is aware of the evolution of International Trade
2	5.	Brief introduction to the International Conventions and Organizations:	The Vienna Convention on the Sale of Goods 1980 – uncitral – unctad – wto – gatt 1994 – trips - icc - cisg	International Trade Law Ishita chatterjee International Trade Law ;Myneni	Chapter 1 and 11 Ishita chatterjee ;Myneni chapter 1	The student grasps an overview of the International Conventions and Organizations
3.	8	Introduction to GATT	The working of the GATT and emergence of WTO	Guide to GATT and WTO Autor krishnen roun	Chapter I and Chapter30	Student will understand the objectives of GATT and WTO
4.	5	International Sale of Goods Special trade terms in export sales –	Definitions, kinds (Ex Works, CIF Contracts, C&F Contracts, FOB Contracts, and FAS Contracts) - Differences between rights and duties of buyers and sellers – Letter of Credit - INCOTERMS – Subsequent Developments	International Trade Law Indira Carr and Peter stone	Part 111	Student is acquainted with the legal terminology relating to International Sale of Goods
5.	5	International Taxation	International Taxation Concept and Principles of International Taxation – Double Taxation - Related Treaties/ Models and Conventions - Issues – Conflict of laws and Interpretation – Measures to avoid double Taxation - India and Double Taxation Avoidance Agreements - Foreign Exchange and Taxation - Foreign Direct Investment and Transfer of Technology	Articles from reputed firms Relevant Treaties	Double Taxation Avoidance Agreements -	Students will gain indepth knowledge on double taxation



6.	7	Law relating to International Carriage of Goods (Transportation of Cargo) UN Convention on Carriage of Goods by Sea	Law relating to International Carriage of Goods (Transportation of Cargo) UN Convention on Carriage of Goods by Sea – Liability of Operators of Transport Terminal – Transportation of Goods by Sea – Charterparties - Bill of Lading - Convention on the International Carriage of Goods by Sea 1978 (Hamburg Rules); International Carriage of Goods by Air; International Carriage of Goods by Rail; International Carriage of Goods by Roads; International Multimodal Transport - Trade U.N. Convention on the Limitation period in International Sale of Goods Act, 1973	International Trade Law Indira Carr and Peter stone	Part 111	Student is aware of the international rules on carriage of goods
7.	6	E-Commerce Meaning Significance –	Electronic Data Interchange; UNCITRAL Model law on e-Commerce; UN Convention on the use of Electronic Communications in International Contracts 2005; Electronic Signatures and UNCITRAL Model Law 2001 – Cross-border recognition	International Trade Law Ishita chatterjee	Chapter 111	The student is exposed to the intricacies of e-commerce
8.	6	UNCITRAL Model of International Commercial Arbitration	– Role of International Court of Arbitration – Enforcement of Foreign Arbitral Award – Enforcement of Foreign - Arbitral Awards in India – UNCITRAL Model Law on Commercial Conciliation	The Arbitration and Conciliation Act, 1996 DrP.C.Markanda	the Arbitration and Conciliation Act, 1996	The student is aware of the working f
9.	12	Tutorials				



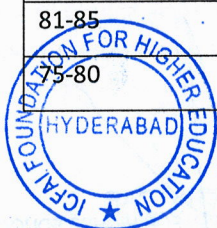
Total	60				

Expectations from Students:

- ff. Students must report to the respective sessions well before the announced time. Latecomers will not be permitted to join the class after five minutes of the scheduled time.
- gg. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- hh. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- ii. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- jj. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- kk. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- ll. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- mm. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- nn. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- oo. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

- Five (5) Marks for attendance will be given as below-

Attendance percentage	Marks allotted
96-100	5
91-95	4
86-90	3
81-85	2
75-80	1



Less than 75%	0
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pp. Students have to submit their assignments on the due date informed by the faculty.
For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

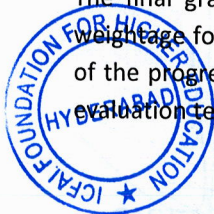
- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

Keeping in line with continuous evaluation at ICAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weigh tage	Syllabus
NCP I	Internal Assessment	06-09-2019	10	7.5	UNIT I and II
Teaching assignment			15		
NCP II	Internal Assessment	30-10-2019	10	7.5	UNIT V
NCP IV	Class Participation	22-11-2019	5	5	
NCP V	Attendance	22-11-2019	5	5	
End Term	End Term	25-11-2019	60		

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests



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Paper 5- Company Law

Objectives:

The course deals with the significance of companies and helps the students to understand the method of incorporation, management and winding up of companies. The students are also exposed to various doctrines, capital structure, transfer of shares, Board functions and about corporate social responsibility and corporate frauds.

Course outcomes:

- The Student will be able apply principles of company law in a rigorous and principled manner.
- Also the student will be in a position to apply company law to generate solutions to complex legal problems, and critique the operation of corporate law from a policy perspective.
- The student will be able to exercise appropriate strategic professional judgment in the resolution of a corporate law problem in an academic environment.
- The students will be able to analyse the impact of corporate law from a policy perspective, in the context of social and cultural diversity.

Unit I: Incorporation of a Company

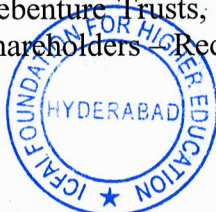
Historical evolution of Company Law in India – Meaning and Nature of Company – Characteristic Features of a Company – Types of Companies –Promoter and pre-incorporation contracts –Formation of a Company – convergence of corporate legal system in the present time –LLP as a type of corporate vehicle.

UNIT II Company Basic Documents

Preliminary Activities – Preparation of Documents: Memorandum of Association, Articles of Association – Prospectus – Concept of lifting of Corporate Veil –Doctrine of Ultra Vires, Constructive Notice and Indoor Management.

Unit III: Share Capital and Company

Member and Shareholders of Company – Share Capital: Kinds of Share Capital – Definition of Shares – Types of Shares – Issue of Shares – Further Issue of Shares – Transfer and Transmission of Shares – Buy back shares –Debt Funds – Debentures: Types of Debentures, Debenture Trusts, Registration of Charges – Borrowing Powers – Lending to Directors and Shareholders –Reduction of share capital – importance of the Depositories Act 1996.



Unit IV: Company Management and Administration

Board of Directors –Types of Directors –Appointment of Directors –Rights, Duties and Functions of Directors – Chairman, Managing Directors, CEO, CFO, CAO, Managers, Company Secretaries – Board Report – Company Meetings –Annual General Body Meeting– Extraordinary Meetings– Board Meetings – Shareholders and Class Meetings – Voting – Resolutions – Appointment of Auditors – Rights and Obligations of Auditors – Audit Committee –Audit Report

Unit V: Compromise, Arrangement and Reconstruction of Companies

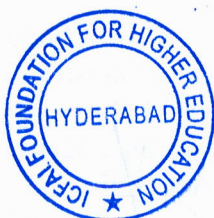
Meaning and Nature of Reconstruction of Companies – Reductions of Capital – Compromise and Amalgamation of Companies – Rehabilitation of Sick Companies – Corporate Governance – Concept, Significance – Dimensions – Legal framework, Basic Principles and OECD principles of Corporate Governance – Impact of globalization – mediation panels – vanishing companies

Unit VI: Winding Up of Companies

Principle of Majority Rule and Exceptions – Meaning and Nature of Oppression and Mismanagement– Winding up and Liquidation – Types of Winding up: Compulsory and Voluntary Winding up– Grounds for Compulsory Winding up – Appointment of Liquidators – Consequences of Winding up – Liquidation –Serious Fraud Investigation Officer – Defunct companies – Company Law Board – High Court –National Company Law Tribunals – Appellate Tribunal – Establishment and Composition – Rights and Obligations of the Parties - Appeals and Reviews

Books:

1. J.M. Thomson- Palmer's Company Law
2. Gower– Principles of Modern Company Law
3. Ramaiya– Guide to Companies Act
4. Indian Law Institute- Current Problems of Corporate Law
5. Compendium on SEBI, Capital Issues and Listing – by Chandratre, Acharya, Israni, Sethuraman
6. Corporate Finance– Ashwath Damodaran



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Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Company Law

Course Code:

Semester: I

Faculty Name: Sridevi. D Shet

Mobile No: 8886227411

Email: dsridevi@ifheindia.org

Objectives of the Course:

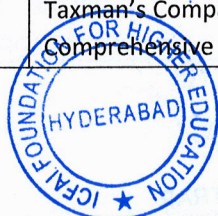
The course deals with the significance of companies and helps the students to understand the method of incorporation, management and winding up of companies. The students are also exposed to various doctrines, capital structure, transfer of shares, Board functions and about corporate social responsibility and corporate frauds.

Course outcomes:

- The Student will be able apply principles of company law in a rigorous and principled manner.
- Also the student will be in a position to apply company law to generate solutions to complex legal problems, and critique the operation of corporate law from a policy perspective.
- The student will be able to exercise appropriate strategic professional judgment in the resolution of a corporate law problem in an academic environment.
- The students will be able to analyse the impact of corporate law from a policy perspective, in the context of social and cultural diversity.

Recommended Text Books and Reference Books

S.No	TEXT BOOK	AUTHOR / PUBLICATION
1	Company Law	Avatar Singh ,Eastern Book Company, 2015
2	Company law	H.K Sahary, Universal law Publishing Co., 2016
3	New Company Law	S.C.Tripathi, Central Law Publishing, 2015
4	Principles of Modern Company Law	Paul L Davies, Sweet &Maxwell, South Asian Edition, 2010
5	Taxman's Company Law and Practice: A Comprehensive text book on companies Act	Dr. K Kapoor and Sanjay Dhamija, 21 st edition, Taxmann.



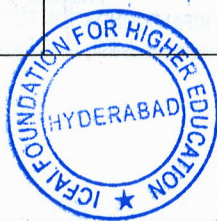
	2013	
6	Taxmann's Business and Corporate Laws	V.S Datey, 2008.
7	Company Law	Avatar Singh, Eastern Book Company, 2009.
8	Taxman's Students' Guide to Company Law	A.K.Majumdar & Dr.G.K. Kapoor, 2003
9	Taxman's Master guide to companies Act 2013 and company rules, 2014.	
10	The Companies Act, 2013 with Rules and Forms, Second Edition, Lexis Nexis.	

Course Outline:

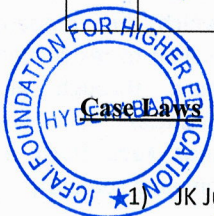
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Videos	Course outcome
1	8	Unit I: Incorporation of a Company	Historical evolution of Company Law in India – Meaning and Nature of Company – Characteristic Features of a Company – Types of Companies – Promoter and pre-incorporation contracts - Formation of a Company – convergence of corporate legal system in the present time –LLP as a type of corporate vehicle	TB-2 TB-4	https://www.youtube.com/watch?v=idQN-u1v6g8 https://www.youtube.com/watch?v=AdDQ05rP7jE	Student will be able to understand the meaning and nature of companies in India and basic principles of corporate law.
2	8	UNIT II Company Basic Documents Preliminary Activities –.	Preparation of Documents: Memorandum of Association, Articles of Association - Prospectus - Concept of lifting of Corporate Veil - Doctrine of Ultra Vires, Constructive Notice and Indoor Management	TB-5 TB-6	https://www.youtube.com/watch?v=F57N0m2B-I https://www.youtube.com/watch?v=QiHuVjS1-WE	The students will be able to understand the legal formalities to be completed to incorporate the company and the documents necessary for the same. The student will also analyse the modes and forms of raising finance for the company.



3	10	Unit III: Share Capital and Company	Member and Shareholders of Company – Share Capital: Kinds of Share Capital – Definition of Shares - Types of Shares - Issue of Shares – Further Issue of Shares – Transfer and Transmission of Shares – Buy back shares - Debt Funds – Debentures: Types of Debentures, Debenture Trusts, Registration of Charges – Borrowing Powers – Lending to Directors and Shareholders – Reduction of share capital – importance of the Depositories Act 1996.	TB-1 TB-7	https://www.youtube.com/watch?v=GI7JM07H0M	The students will be acquainted with the provisions of law to be complied with to become a member of the company. The module stresses the requirements of dematerialization and process of issue, transfer and transmission of securities.
4	12	Unit IV: Company Management and Administration	Board of Directors –Types of Directors - Appointment of Directors –Rights, Duties and Functions of Directors – Chairman, Managing Directors, CEO, CFO, CAO, Managers, Company Secretaries – Board Report - Company Meetings – Annual General Body Meeting - Extraordinary Meetings - Board Meetings – Shareholders and Class Meetings – Voting – Resolutions – Appointment of Auditors – Rights and Obligations of Auditors – Audit Committee –Audit Report	TB-1 TB-7	https://www.youtube.com/watch?v=SFbHrnQDC1M https://www.youtube.com/watch?v=CsV2ch5aG0	The student will gain knowledge about the composition of management of a company.
5	10	Unit V: Compromise, Arrangement and Reconstruction of Companies	Meaning and Nature of Reconstruction of Companies – Reductions of Capital – Compromise and Amalgamation of Companies – Rehabilitation of Sick	TB-1 TB-8	https://www.youtube.com/watch?v=LADg7Ew3khl	The student will be able to analyse the various provisions in which the company is able to restructure itself through any financial crisis and thus keep itself an ongoing company.



			Companies – Corporate Governance - Concept, Significance - Dimensions - Legal framework, Basic Principles and OECD principles of Corporate Governance - Impact of globalization – mediation panels – vanishing companies			
6	10	Unit VI: Winding Up of Companies	Principle of Majority Rule and Exceptions – Meaning and Nature of Oppression and Mismanagement - Winding up and Liquidation – Types of Winding up: Compulsory and Voluntary Winding up - Grounds for Compulsory Winding up – Appointment of Liquidators – Consequences of Winding up – Liquidation – Serious Fraud Investigation Officer - Defunct companies – Company Law Board – High Court - National Company Law Tribunals – Appellate Tribunal – Establishment and Composition – Rights and Obligations of the Parties - Appeals and Reviews	TB-1 TB-9 TB-1 TB-9	https://www.youtube.com/watch?v=ozcgl8wOYAY https://www.youtube.com/watch?v=71GQ0r4Ou6k https://www.youtube.com/watch?v=dtwceq6AJI https://www.youtube.com/watch?v=ucSi7jfPsc	This module aims to impart the students, the corporate management, control, possible abuses, the remedies and regulation for keeping in check the abuse by majority rule in corporates. The module also helps in understanding of winding up provisions of a company enables the student to analyse the implications and the need for winding up of company. Also the student will understand the impact of insolvency & bankruptcy code 2016 on winding up of a company.
Total	60					



JK Jute Mills Co. Ltd. v. Surendra Trading Co. [2017] 138 CLA 258 (NCLAT)

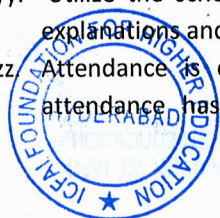
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Insolvency resolution process- Insolvency and Bankruptcy Code, 2016.

- 2) Punjab Produce & Trading Co. (P.) Ltd. v. Pilani Investments & Corporation Ltd. and Others [2017] 138 CLA 299 (NCLAT)
Oppression - Mismanagement- Companies Act, 1956.
- 3) Cairn India Ltd., In re. Vedanta Ltd., In re. [2017] 138 CLA 196 (NCLT)-
Arrangement - Companies Act, 1956.
- 4) R S Livemedia (P.) Ltd., In re. [2017] 138 CLA 206 (NCLT)-
Compromise/Arrangement- Companies Act, 2013.
- 5) Cyrus Investments (P.) Ltd. v. Tata Sons Ltd. [2017] 138 CLA 217 (NCLT) -
Oppression - mismanagement- Companies Act, 2013
- 6) Ranjan Cosmetic (Madras) Ltd. v. SRM Infrastructure (P.) Ltd. and Others [2017] 138 CLA 161 (NCLT)-
Oppression / Mismanagement- Companies Act, 2013.
- 7) Union of India v. Simplex Infrastructures Ltd. [2017] 138 CLA 14 (SC)-
Appealable order- Arbitration and Conciliation Act, 1996.
- 8) Kamlesh Thakurbhai Shah and Others v. Amita Hemant Shah and Others [2017] 137 CLA 285 (NCLT)-
Oppression - Mismanagement- Companies Act, 1956.
- 9) Reebok India Co., In re. [2017] 137 CLA 279 (NCLT)
Composition of Offences- Companies Act, 1956.
- 10) IDFC Bank Ltd. v. Ruchi Soya Industries Ltd. and Others [2017] 137 CLA 142 (Bom.)-
Winding Up- Companies Act, 1956.

Expectations from Students:

- qq. Students must report to the respective sessions well before the announced time. Latecomers will not be permitted to join the class after five minutes of the scheduled time.
- rr. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- ss. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- tt. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- uu. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- vv. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- ww. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- xx. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- yy. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- zz. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum



attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

- Five (5) Marks for attendance will be given as below-

Attendance percentage	Marks allotted
96-100	5
91-95	4
86-90	3
81-85	2
75-80	1
Less than 75%	0

aaa. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

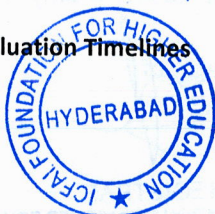
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Evaluation Timelines



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Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

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End Term	End Term	25-11-2019	60		

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Brief profile of the Faculty Member

Name: Mrs. Sridevi D. Shet

Designation: Asst. Professor

Teaching Areas: Commercial Law, Law of Contracts, Company Law, Information Technology Law, Banking Laws, Hotel Laws, Financial Services law.

Research Interests: Corporate Laws, International Trade Laws

Education: LLM: Karnataka State Law University, Mangalore, 2012 (Secured 2nd Rank).

LLB: Mangalore University, Mangalore, 2009.

P G Diploma in IRPM: Bharathiya Vidya Bhavan, Mangalore, 2008.

Professional Experience:

1. Oct' 2016 – till date: Assistant Professor, Faculty of Law, IFHE, Hyderabad.
2. Sep' 2014 – Sep' 2016: Faculty Associate, Faculty of Law, IFHE, Hyderabad.
3. Mar' 2014 – Sep' 2014: Lecturer in law, K.V. Ranga Reddy Law, College, Hyderabad
4. 2011-2012: Guest Faculty at Saptagiri College of Hotel Management, Mangalore, Government Women's College Balmata, Mangalore, Carstreet Government College, Carstreet, Mangalore.
5. 2009-2011: Advocate.



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Second Semester (Total 13CREDITS)

PAPERS:

1. **Intellectual Property Law (2 Credits)**
2. **Law on Securities and Financial Markets (2 Credits)**
3. **Commercial Arbitration (2 Credits)**
4. **Competition Law (2 Credits)**
5. **Dissertation (5 Credits)**

Paper 1.- Intellectual Property Law

Objectives:

This course helps the students to study concepts of IPR and its significance, understand relationship with other subjects especially, economics, law and other technological aspects. It also enlightens the students on various approaches of International Institutions and introduces the various aspects that form part of the province of IPR.

Course outcomes: On the successful completion of this course, the students will be acquainted with basics of intellectual property rights with special reference to Indian laws and its practices. Students will be able to assess and critique the theoretical justifications for intellectual property protection. Students will be able to understand the legal procedural steps needed to protect and manage the intellectual property rights. Students will demonstrate sufficient knowledge to comprehend the current emerging issues relating to the intellectual property protection.

UNII I Introduction to Intellectual Property

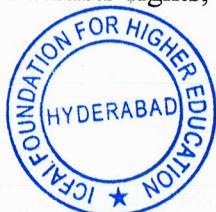
Origin and Genesis of IPR – Theories of Property – Locke’s, Hegel and Marxian – Nature & Concept, Meaning and Types of Intellectual Property Rights and various theories associated with the IPR – Origin & Development – From National to International Perspective.

UNIT II Intellectual Property Rights: International Regime

International relevance of Intellectual Property Rights – International Regime of IPR – Internationalization of IP protection – Paris Convention, Berne Convention – World Intellectual Property Organization (WIPO) – TRIPS Agreement – basic principles and minimum standards – Principles of notional treatment – limits of one-size-fit for all – flexibilities under TRIPS

UNIT III Intellectual Property: Protection Issues

Challenges for IPR system – Digital copyright – Digital rights management – Domain names – micro-organisms – Biotechnology including Human genomes – Nanotechnology – Role of Government in fostering the IPR – Copyright protection with reference to Performers rights and Artists rights, - Global governance towards Patents – Trade Marks: Legal recognition,



Comparative analysis in India, EU and USA – Trade secrets : Legal recognition, Comparative analysis in India, EU and USA

UNIT IV IP Management and Tools

Meaning – models of IP management – technological transfer –licensing –compulsory licensing – Assignments – Registration – Acquisition by governments –IP Assets as tools of business – IP Asset Valuation and Audit – IP Insurance and current developments –IP management and dispute resolution –Role of national courts, administrative bodies, WIPO and WTO dispute settlement mechanisms

UNIT V Emerging forms of IPR

Classification of IP – industrial property and copyright –impact of technology on IP – emergence of new forms – topographies and integrated circuits – design patents – business method patents – protection of computer software – EU-directive –computer implemented inventions –inadequacy of law to protect new forms of IPR – technological challenges of protection – the way forward

UNIT VI Intellectual Property: Contemporary Trends

Benefit sharing and contractual agreements – International Treaty on Plant Genetic Resources for Food and Agriculture – issues on patent policy and farmers’ rights- CBD, Nagoya Protocol and Indian law – UNESCO – protection of folklore/cultural expressions – Developments in WIPO on traditional knowledge and traditional cultural expressions

Books:

1. W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
2. Nard Madison- The Intellectual Property, Aspian Publication.
3. Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
4. David Bainbridge – Intellectual Property Law.
5. Jayanti Bagachi , World Trade organization; an Indian Perspective(2000)
6. Surendra Bhandari , World Trade Organization and Developing Countries,
7. Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep publication Pvt. Ltd.
8. Phillippe Culet, Intellectual Property Protection and Sustainable Development, Lexis Nexis Butterworth, 2004.
9. W R Cornish, Intellectual Property: Patents, copyright, Trademarks and Allied rights , London : Sweet & Maxwell,




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ICFAI Law School, Hyderabad

Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Intellectual Property Law

Course Code:

Semester: LL.M.

Faculty Name: Dilip Sharma

Mobile No: +91-7976748663

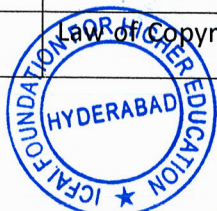
Email: dilipsharma@ifheindia.org

Objectives of the Course: The aim of this course is to provide an insight on the basic concepts of IPR, its protection and significance. The course is designed to develop the understanding of students on the relationship of IP assets with other interdisciplinary subjects especially, economics, arts, science and technology. It also enlightens the students on various approaches of international institutions on intellectual property and introduces the various aspects that form part of the province of IPR. The course also highlights the contemporary issues in the existing intellectual property regime.

Course outcomes: On the successful completion of this course, the students will be acquainted with basics of intellectual property rights with special reference to Indian laws and its practices. Students will be able to assess and critique the theoretical justifications for intellectual property protection. Students will be able to understand the legal procedural steps needed to protect and manage the intellectual property rights. Students will demonstrate sufficient knowledge to comprehend the current emerging issues relating to the intellectual property protection.

Recommended Text Books and Reference Books

	TEXT BOOK	AUTHOR / PUBLICATION
1.	Law Relating to Intellectual Property Rights	V K Ahuja, Lexis Nexis; Third edition (2017)
2.	Intellectual Property Law	P. Narayanan, Eastern Law House Private Ltd, Third Edition.
3.	Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights	W. Cornish & David Llewelyn, London Sweet & Maxwell.
4.	Law Relating to Intellectual Property	Dr. BL Wadhwa, Universal Law Publishing Co. Ltd.
5.	Law of Copyright and Neighboring Rights –	V K Ahuja, Lexis Nexis.



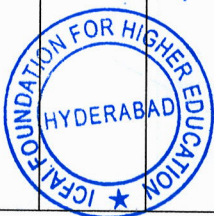
	National And International Perspectives	
6.	Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights	Carlos M. Correa, Oxford University Press.
7.	Intellectual Property	David I. Bainbridge, 9 th Edition, Pearson Publication.
8.	World Trade organization; an Indian Perspective	Jayanti Bagachi, Eastern Law House (2000)
9.	World Trade Organization and Developing Countries	Surendra Bhandari & Bhandari Surendra, Deep & Deep Publications, India.
10.	The Law of Intellectual Property Rights	Shiv Sahai Singh, Deep & Deep publication Pvt. Ltd.
11.	Intellectual Property Protection and Sustainable Development	Phillippe Culet, Lexis Nexis Butterworth, 2004
12.	Intellectual Property: Patents, copyright, Trademarks and Allied rights	W R Cornish, London: Sweet & Maxwell
13.	Valuation of Intellectual Property Assets	Akshat Pande, Eastern Law House
14.	Law of Plant Varieties Protection	Elizabeth Verkey, Eastern Book Company.

Course Outline:

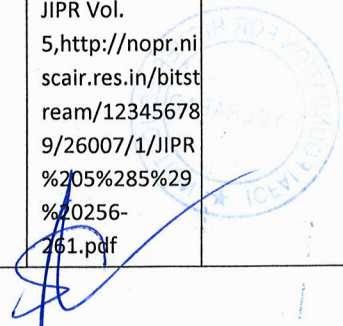
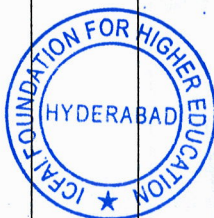
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1.	5	Unit I: Introduction to Intellectual Property	1. Introduction to Intellectual Property 2. Origin and Genesis of IPR 3. Theories of Property – Locke’s labour theory, personality theory, utilitarian incentive to invent theory and Marx theory 4. Nature, Concept & Meaning 5. Types of Intellectual Property Rights 6. National to International Perspective	TB -1 Ch – Introduction (Pg – 3-13)	Yogesh Pai, Introduction to intellectual property: a conceptual primer, https://www.youtube.com/watch?v=GCdmQsrz-2g Theoretical justifications for intellectual property, https://www.youtube.com/watch?v=8-378wxJsjo&t=1490s	The students will be able to understand the basic concepts of intellectual property rights along with relevant theories.



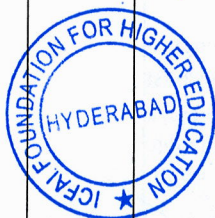
2.	6	Unit II: Intellectual Property Rights: Internatio nal Regime	<ol style="list-style-type: none"> 1. International relevance of Intellectual Property Rights 2. International Regime of IPR 3. Internationalization of IP protection 4. Paris Convention 5. Berne Convention 6. Madrid Agreement & Protocol 7. NICE Agreement 8. Vienna Agreement on Figurative Elements of 	<p>TB -1 Ch – 72, TB – 6, KennedyM, Interpretat ion of TRIPS, Cambridge University Press</p>	<p>Yogesh Pai, The agreement on trade related aspects of intellectual property rights, https://www.youtube.com/watch?v=mo7na9gF2gl IIT Kharagpur and NTPEL, Lecture 16 : A brief on Paris Convention,</p>	<p>The students will get an insight about the international framework for the protection of intellectual property rights.</p>
			<ol style="list-style-type: none"> 9. World Intellectual Property Organization (WIPO) 10. TRIPS Agreement – basic principles and minimum standards 11. Doha Declaration 12. Trademark Law Treaty 13. Singapore Treaty 14. Lisbon agreement 15. Principles of notional treatment - limits of one-size-fit for all 16. Flexibilities under TRIPS 		<p>1967 & The Berne Contract, 1971 - https://www.youtube.com/watch?v=mt13RFvGlo Harvard Law School, Non-voluntary licensing of pharma patents: assessing the post-Doha Declaration TRIPs system, https://www.youtube.com/watch?v=9-hzEkKwEus</p>	
3.	15	Unit – III Kinds of Intellectual Property Rights	<ol style="list-style-type: none"> 1. Trademark – Definition, Registration, Opposition, infringement and Grounds of refusal 2. Copyright – Definition, Author, Registration, Moral rights and infringement 3. Patent – Definition, Prior Art, Inventive step, Registration, 	<p>TB 1 Ch – 1, 2, 3 5, 6, 13, 15, 17, 18, 19, 20, 22, 24 -26, 35, 37-40, 42, 44-50, 55, 57, 59-62, 67, 69 TB - 2, 4</p>	<p>Trademark infringement and passing off, https://www.youtube.com/watch?v=9yClrVjpT_A Remedies in Trademark Law, https://www.youtube.com/watch?v=cBYLyZqa750 Prof. Feroz Ali, IIT M,</p>	<p>The students will be able to understand the registration process, opposition and infringement of intellectual property rights.</p>



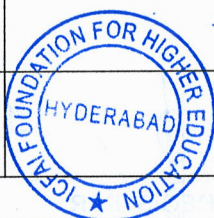
			Provisional & Complete Specification, Anticipation, Post dating, Compulsory Licensing, Parallel Import and Bolar Provision 4. Design – Registration, Copyright Design interface and Piracy 5. Plant Varieties and Farmers’ Rights Act, 2001 6. The Semi-Conductor Integrated Circuits Layout Design Act, 2000: Definition and Registration		Introduction to Compulsory Licensing, https://www.youtube.com/watch?v=lgg00kcsA-Y & https://www.youtube.com/watch?v=Ki9YxgRqI So Copyright-statutory and compulsory licensing, https://www.youtube.com/watch?v=yIcHhO8inog	
4.	10	Unit IV: Intellectual Property: Issues and Challenges	1. Challenges for IPR system 2. Digital copyright 3. Digital rights management 4. Domain names 5. Micro-organisms 6. Biotechnology including Human genomes - Nanotechnology - Role of Government in fostering the IPR – 7. Copyright protection with reference to Performers rights and Artists rights, 8. Global governance towards Patents 9. Non-conventional Trade Marks: Legal recognition 10. Comparative analysis in India, EU and USA 11. Trade secrets: Legal recognition, Comparative analysis	TB – 1 Ch - 9, 13, 14	Bioethics and IPR concerns, https://www.youtube.com/watch?v=HlbIPNmtdFA IPR issues for Media Trademarks & Domain Names Sourabh Bharti, https://www.youtube.com/watch?v=3vGN-7J2aJM MMS Karki, IPR Issues associated with Internet Domain Names, JIPR Vol. 5, http://nopr.niscair.res.in/bitstream/123456789/26007/1/JIPR%205%285%29%20256-261.pdf	The students will get an insight about the various issues related to intellectual property protection.



			in India, EU and USA			
5.	8	Unit V: IP Management and Tools	<ol style="list-style-type: none"> 1. Meaning 2. Models of IP management 3. Technological transfer 4. Licensing & compulsory licensing 5. Assignments 6. Acquisition by governments 7. IP Assets as tools of business 8. IP Valuation 9. IP Insurance and current developments 10. IP management and dispute resolution 11. Role of national courts, administrative bodies, WIPO and WTO dispute settlement mechanisms 	TB - 1Ch – 28 TB - 13 Ch – 9 to 14,	WIPO Module 10 – IP Audit, Available at - https://www.wipo.int/export/sites/www/sme/en/documents/pdf/ip_panorama_10_learning_points.pdf Prof. A. Damodaran, IP and Finance: Accounting and Valuation of IP Assets and IP Based Financing. https://www.wipo.int/edocs/mdocs/sme/en/wipo_smes_bwn_13/wipo_smes_bwn_13_damodaran.pdf	This unit will make the students familiar with the management of IP assets including dispute resolution process and related obligations.
6.	8	Unit VI: Emerging forms of IPR	<ol style="list-style-type: none"> 1. Classification of IP 2. Industrial property and copyright 3. Impact of technology on IP 4. Emergence of new forms – topographies and integrated circuits – design patents - business method patents 5. Protection of computer software 6. EU-directive – computer implemented inventions 7. Inadequacy of law to protect new forms of 	TB 1 Ch - 69	S.K. Verma, Intellectual Property Protection of Computer Software, http://14.139.60.114:8080/jsp/ui/bitstream/123456789/722/13/Intellectual%20Property%20Protection%20of%20Computer%20Software.pdf Ralph Oman, Computer Software As Copyrightable Subject	The students will be able to comprehend on the various emerging forms of IPR and related issues.



			IPR 8. Technological challenges of protection - the way forward		Matter: Oracle v. Google: Legislative Intent, And The Scope of Rights in Digital Works, Harvard Journal of Law & Technology Volume 31, Special Issue Spring 2018.	
7.	8	Unit VII: Intellectual Property: Contemporary Trends	<ol style="list-style-type: none"> 1. Benefit sharing and contractual agreements 2. International Treaty on Plant Genetic Resources for Food and Agriculture 3. Issues on patent policy and farmers' rights 4. CBD, Nagoya Protocol and Biological Diversity Act, 2002 5. UNESCO – protection of folklore/cultural expressions 6. Developments in WIPO on traditional knowledge and traditional cultural expressions 	TB – 14 Ch – 3 & 4	<p>Walid Abdelgawad, The BT Brinjal Case: The First Legal Action Against Monsanto and Its Indian Collaborators for Biopiracy, 31 Biotechnology Law Report 136 Number 2, 2012.</p> <p>Elisa Morgera, Access to Traditional Knowledge Associated with Genetic Resources, in Unraveling the Nagoya Protocol: A Commentary on the Nagoya Protocol on Access and Benefit-sharing to the Convention on Biological Diversity, https://www.jstor.org/stable/10.1163/j.ctt1w76vvq.14.</p>	The students will get an insight about the modes of protection of traditional knowledge, benefit sharing and protection of plant variety.
Total	60					



Expectations from Students:

- bbb. Students must report to the respective sessions well before the announced time. Latecomers will not be permitted to join the class after five minutes of the scheduled time.
- ccc. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- ddd. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- eee. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- fff. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- ggg. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- hhh. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- iii. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- jjj. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
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- lll. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

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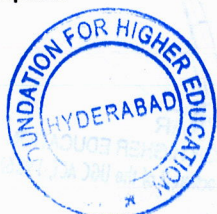
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Class Organization

Class Representative

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Class Discipline



- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
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Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Assignment	28/02/2020	05/03/2020	15	Unit 1 to 3
NCP II	Assignment	03/04/2020	10/4/2020	15	Unit 1 - 5
NCP III	Internal Assessment	16/04/2020	20/04/2020	10	Unit 1 to 6
End Term	End Term	As per Academic Calendar	As per Academic Calendar	60	Unit 1 - 7
				100	

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 40 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Mr. Dilip Sharma is working as an Assistant Professor at ICFAI Law School, Hyderabad. He is also pursuing his Ph.D. from Nalsar University of Law, Hyderabad in the field of 'Artificial Intelligence and IPR'. Mr. Sharma has qualified the UGC-NET exam in July, 2018. He has completed his post-graduate (LL.M.) in IPR Laws from National Law University, Jodhpur, India. He has done his graduation i.e. B.A. LL.B. (IPR Hons.) from Institute of Law, Nirma University, Ahmedabad, India. He also has a teaching experience of around one and half year as an Assistant Professor. Mr. Dilip Sharma has secured highest attainable grade in his LL.M. dissertation on "Protection of Non-conventional Trademarks: Issues and the Road Ahead" during his post-graduation. Mr. Sharma has four research paper publications and six research paper presentations in his account. Being an IP enthusiastic he has attended numerous seminars and workshops to enhance his knowledge in the field of IPR. Mr. Sharma is also a distinguished member of International Council of Jurists.



Paper 2 – Laws on Securities and Financial markets

Objectives:

This course helps the students to understand the nature and functions of financial markets and its operation in India and also to learn in detail about the various laws applicable to Securities market.

Course outcomes:

After completion of the course students will understand the various SEBI regulations involved in the functioning of capital markets. The study revolves around the various intricacies involved in tackling the stake holders of capital markets through the various approaches adopted by SEBI

Unit I: Financial System and Services

Financial systems – Meaning and Components of financial Systems – Classification of Financial markets and services – Relevant constitutional provisions relating to capital markets – Article 19(1) (g) – Article 301 of Indian Constitution- Capital markets: Primary and Secondary markets and financial Services – capital markets, security markets, Money Markets – Financial Instruments and Marketing – Financial Service Providers and Financial Institutions –Intermediaries in Financial Marketing – Financial services –Meaning and concept– Classification of financial services

Unit II: The Securities Contracts (Regulation) Act, 1956:

Meaning of Securities – Definitions – Recognition of Stock Exchange – Operation of Stock Exchanges – Listing of Securities – Highlights of Listing Agreement – Penalties for non-compliance

Unit III: The Securities and Exchange Board of India Act 1992 and Regulations

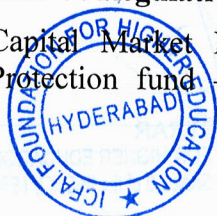
Organization and Management of SEBI – Formation and Powers of SEBI- SEBI Guidelines for Issue of shares, debentures, Securities by public offering – Book Building – Disclosures – Issue of Debt Instruments–Listing and Delisting of Securities, Listing Agreements and Corporate Governance – Insider Trading, Frauds and Prohibition of Fraudulent Practices – Alteration, Reduction and Buyback of Shares and Share Capital – Takeover Regulations (Code).

Unit IV: SEBI and Intermediaries

SEBI Guidelines relating to Intermediaries in Securities Market – Merchant Bankers, Registrars for Issues, Brokers –Portfolio Managers – Listing in Stock Exchanges – Depositories and SEBI guidelines on Depositories

Unit V: Regulations of Capital Market

Capital Market Regulations –Collective Investment Schemes –Investor protection and Protection fund –Venture and Seed Capital –Mutual Funds –Issue of Sweat Equity –



Derivatives –Hedge Funds –Substantial and Takeover of Shares– Depositories Act, 1996 – Securities Appellate Tribunal (SAT) – Ombudsman –Consumer Protection Act and Securities

Unit VI: Foreign Securities Market and Regulation

Foreign Securities – ADR, GDR, CP – FDI and FII in the Indian securities market – Indian investments in foreign securities – FEMA – SEBI and RBI Regulations on Foreign Institutional Investors and Foreign Direct Investments

Books

1. Indian Financial System, 2E Gurusamy Tata McGraw-Hill Education, 2009
2. Financial Services, 2E Gurusamy Tata McGraw-Hill Education, 2009
3. Indian Financial Markets: An Insider's Guide to How the Markets Work by Ajay Shah, Susan Thomas, Michael Gorham Elsevier, 30-Sep-2008
4. India Stock Market Laws and Regulations Handbook Volume 1 Strategic Information and Basic Regulations by IBP, Inc. (Lulu.com, 2013)
5. Financial Institutions and Markets by Meir Kohn, Tata Mc Graw-Hill publishing company Limited, Delhi.
6. Securities Contract (Regulation) Act 1956
7. SEBI Act 1992 and Regulations
8. Depositories Act, 1996
9. FEMA 1999
10. Prevention of Money Laundering Act 2002.



S. V. Jayalal Shetty
REGISTRAR
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LLM Course Hand Out

Academic Year – 2020-21

(Class of 2021)

Course Name: Laws on securities and financial Markets

Course Code:

Semester: 2

Faculty Name: Sridevi D Shet

Mobile No: 8886227411

Email: dsridevi@ifheindia.org

Objectives of the Course:

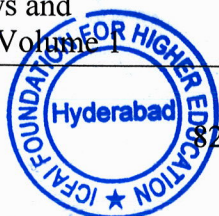
This course helps the students to understand the nature and functions of financial markets and its operation in India and also to learn in detail about the various laws applicable to Securities market.

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Recommended TextbooksBooks

	TEXTBOOK	AUTHOR / PUBLICATION
1	Indian Financial System,	2E Gurusamy Tata McGraw-Hill Education, 2009
2	Financial Services,	2E Gurusamy Tata McGraw-Hill Education, 2009
3	Indian Financial Markets: An Insider's Guide to How the Markets Work by	Ajay Shah, Susan Thomas, Michael Gorham Elsevier, 30-Sep-2008
4	India Stock Market Laws and Regulations Handbook Volume 1	By IBP, Inc. (Lulu.com, 2013)



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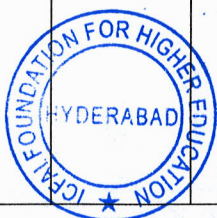
5	Financial Institutions and Markets	Meir Kohn, Tata Mc Graw-Hill publishing company Limited, Delhi
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Bare Acts

Supplementary Books	
1	Securities Contract (Regulation) Act 1956
2	SEBI Act 1992 and Regulations
3	Depositories Act, 1996
4	FEMA 1999
5	Prevention of Money Laundering Act 2002
6	RBI master circular on foreign investment

Course Outline:

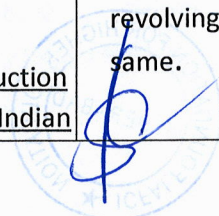
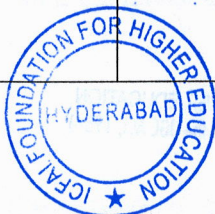
Sl. No	No. of Sessions	Topic	Key Concepts	Textbook Material to use	Videos	Course outcome
1	6	Financial System and Services	Financial systems – Meaning and Components of financial Systems – Classification of Financial markets and services – Relevant constitutional provisions relating to capital markets – Article 19(1) (g) – Article 301 of Indian Constitution- Capital markets: Primary and Secondary	TB-1 to 5	<u>Financial System Explained Indian Financial System Four Components of Financial System Meaning-</u>	The module will give a conceptual and detail understanding of the components of financial system .The intertwined nature of all the 5 components namely- financial institutions/financial intermediaries, financial markets, financial instruments, financial



			markets and financial Services – capital markets, security markets, Money Markets – Financial Instruments and Marketing – Financial Service Providers and Financial Institutions – Intermediaries in Financial Marketing – Financial services – Meaning and concept– Classification of financial services		YouTube	regulators and money.
2	8	The Securities Contracts (Regulation) Act, 1956:	Meaning of Securities – Definitions – Recognition of Stock Exchange – Operation of Stock Exchanges – Listing of Securities – Highlights of Listing Agreement – Penalties for non-compliance	TB-4	Securities Contracts & Regulation Act, 1956 - YouTube	The module emphasizes on the regulation of stock exchanges. The regulation of stock brokers ,companies on the listing of financial instruments on stock exchanges is dealt in detail under the module.
3	8	The Securities and Exchange Board of India Act 1992 and Regulations	Organization and Management of SEBI – Formation and Powers of SEBI- SEBI Guidelines for Issue of shares, debentures, Securities by public offering – Book Building – Disclosures – Issue of Debt Instruments–Listing and Delisting of Securities, Listing Agreements and Corporate Governance – Insider Trading, Frauds and Prohibition of Fraudulent Practices – Alteration, Reduction and Buyback of Shares and Share Capital –	Bare Act- 2	SEBI Act 1992, Organisation and Objectives of SEBI (COM) - YouTube	The SEBI Act gives us an insight into the powers,duties and responsibilities of the capital market regulator. Also the importance of compliance in the capital markets is highlighted through the various penal provisions under the Act .



			Takeover Regulations (Code).			
4	10	SEBI and Intermediaries	SEBI Guidelines relating to Intermediaries in Securities Market – Merchant Bankers, Registrars for Issues, Brokers –Portfolio Managers – Listing in Stock Exchanges – Depositories and SEBI guidelines on Depositories	Bare Act- 2	<u>SEBI Regulations - Fundamentals - YouTube</u> <u>SEBI (LODR) Regulations, 2015 Part 2 Reg. 5 - 14 - YouTube</u>	The various intermediaries' regulations are studied under the module. This gives an insight into the efforts made by SEBI in regulating the middle persons of the capital markets and thereby protecting the investors interest.
5	8	Regulations of Capital Market	Capital Market Regulations –Collective Investment Schemes – Investor protection and Protection fund – Venture and Seed Capital –Mutual Funds –Issue of Sweat Equity –Derivatives –Hedge Funds –Substantial and Takeover of Shares– Depositories Act, 1996 – Securities Appellate Tribunal (SAT) – Ombudsman – Consumer Protection Act and Securities	Bare Act- 2	<u>SEBI requirements for mutual funds - The Financial Express</u>	The module discusses various regulations for mutual funds, hedge funds, derivatives etc The module also emphasizes on the investor protection regulations such as ombudsman regulations ,SAT, Consumer forum
6	8	Foreign Securities Market and Regulation	Foreign Securities – ADR, GDR, CP – FDI and FII in the Indian securities market – Indian investments in foreign securities – FEMA – SEBI and RBI Regulations on Foreign Institutional Investors	Bare Act 4,5 and 6	<u>Foreign Institutional Investor (FII) (investopedia.com)</u> <u>An Introduction to the Indian</u>	The module emphasizes on foreign investment mad in Indian capital markets and the various rules and regulations revolving aroundthe same.



			and Foreign Direct Investments		Stock Market (investopedia.com)	
Total	48					

Case laws-

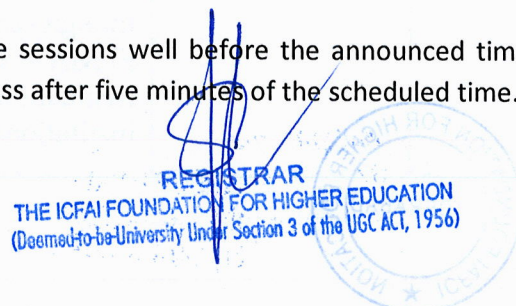
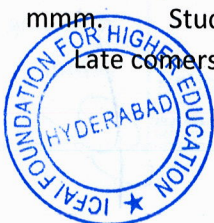
- 1) In re New Delhi Television limited (SEBI) Appeal Number: AP/AS/2020-2021/10029- Date of Judgement/Order : 29/12/2020
- 2) Securities and Exchange Board of India Vs. Udayant Malhoutra [Civil Appeal Nos. 2981-2982 of 2020]
- 3) PGF Limited & others v. UOI & Anr. - AIR 2013 SC 3702
- 4) BSE Vs. Kandalgaonkar – (2015) 2 SCC 1
- 5) SEBI v. Pan Asia Advisors Ltd. & Anr. – (AIR 2015 SC 2782)
- 6) SEBI v. Roofit Industries Ltd. - (2016) 1 Comp LJ 1 (SC), 2015 (12) SCALE 642
- 7) BSE Broker Forum v. SEBI – (2001) 3 SCC 482

Articles –

- 1) Steven A. Rosenblum, Hedge Fund Activism, Short-Termism, and a New Paradigm of Corporate Governance, 126 Yale L.J. F. 538 (2017), <http://www.yalelawjournal.org/forum/hedge-fund-activism>.
- 2) Lopez-de-Silanes, Florencio. (2004). A Survey of Securities Laws and Enforcement.
- 3) Asta Paramedicine, Vitalija Venckuviene, Lina Girdauskiene, Venture Capital a Catalyst for Start-Ups to Overcome the “Valley of Death”: Lithuanian Case, Procedia Economics and Finance, Volume 26, 2015, Pages 1052-1059, ISSN 2212-5671, [https://doi.org/10.1016/S2212-5671\(15\)00929-6](https://doi.org/10.1016/S2212-5671(15)00929-6).
- 4) Doffou, Ako. (2007). Insider Trading: A Review of Theory and Empirical Work.
- 5) Aggarwal, Reena (2002), "Demutualisation and Corporate Governance of Stock Exchanges", Journal of Applied Corporate Finance, Vol. 15, 105-113

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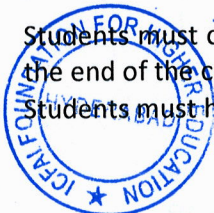
Class Organization

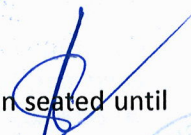
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Evaluation Timelines*

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Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment	April 15 th	May 14 th	15	Case laws
NCP II	Internal Assessment	April 15 th	May 14 th	15	Case Laws
NCP III	MCQ	May 13 th	May 14 th	10	Unit -1 to Unit-4
End-Term	Written examination	May 20 th	May 27 th	60	Unit-1 to 6

* The Evaluation Timelines and components are subject to change.

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Name: Sridevi D. Shet

Designation: Asst. Professor (Pursuing Ph.D)

Teaching Areas: Commercial Law, Law of Contracts, Company Law, Information Technology Law, Banking Laws, Hotel Laws, Financial Services law.

Research Interests: Corporate Laws, International Trade Laws

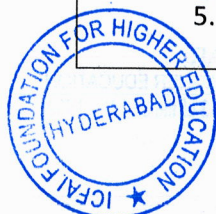
Education: LLM: Karnataka State Law University, Mangalore, 2012 (Secured 2nd Rank).

LLB: Mangalore University, Mangalore, 2009.

P G Diploma in IRPM: Bharathiya Vidya Bhavan, Mangalore, 2008.

Professional Experience:

1. Oct' 2016 – till date: Assistant Professor, Faculty of Law, IFHE, Hyderabad.
2. Sep' 2014 – Sep' 2016: Faculty Associate, Faculty of Law, IFHE, Hyderabad.
3. Mar' 2014 – Sep' 2014: Lecturer in law, K.V. Ranga Reddy Law, College, Hyderabad
4. 2011-2012: Guest Faculty at Saptagiri College of Hotel Management, Mangalore, Government Women's College Balmata, Mangalore, Carstreet Government College, Carstreet, Mangalore.
5. 2009-2011: Advocate.




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Paper 3 – Commercial Arbitration

Objectives

This course help the students to trace the historical growth of Commercial Arbitration, detailed understanding of UNCITRAL model law and its influence, growth of Commercial Arbitration in India and the Arbitration and Conciliation Act 1996 and its significance in resolution of commercial disputes.

Course outcome

At the end of the course students able to understand concepts, laws and the procedure of conducting the international commercial arbitration as well as the commercial arbitration in India along with the procedure of conducting arbitration online.

Unit I Introduction

Evolution of International Commercial Arbitration – Growth and Historical Development of ICA – Objectives – Jay Treaty of 1794 – Treaty of Ghent – 1814 – Hague Conventions 1899 and 1907 – Permanent Court of Arbitration – International Chamber of Commerce 1919 – Court of International Arbitration 1923 – Geneva Protocol on Arbitration Clauses 1923 – Geneva Convention on the Execution of Foreign Awards 1927 – New York Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958

Unit II International Commercial Arbitration

International Commercial Agreements – General Principles of Interpretation of International Commercial Arbitration – Enforcement – International Arbitration *versus* Litigation – Institutional Arbitration and *Adhoc* arbitration – UNCITRAL Arbitration Rule 1976 – UNCITRAL Model Law on International Commercial Arbitration 1985 – Objectives and Principles – Structure and Adoption of Model Law – General Provisions – Arbitral Agreement – Jurisdiction of Arbitral Tribunal – Conduct of Arbitral Proceedings

Unit III Commercial Arbitration in India

Evolution of arbitration in India (Indian Arbitration Act 1899 – Arbitration Act 1940 – Arbitration and Conciliation Act 1996) – Agreement to Arbitrate – Appointment of Arbitrator – Enforcement of Arbitration Agreement – Laws governing Arbitration – Interim Measures – Award – Recognition and Enforcement of Arbitral Award

Unit IV E – arbitration – Online Arbitration Agreement – Online Arbitral Award – Regulatory Framework for Online Dispute Resolution – Means – Confidentiality – Publication of Result of online arbitral Resolution – Protection of Electronic Communication of Data.

Unit V Arbitral Institutions

International Chamber of Commerce – History – Evolution – International Court of Arbitration – Permanent Court of Arbitration (PCA) – International Centre of Settlement of

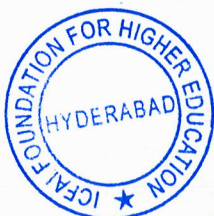


Investment Disputes (ICSID) – WIPO Arbitration and Mediation Center – WTO Dispute Settlement System – Court of Arbitration for Sport (CAC) – Society of Maritime Arbitrators (SMA) – International Centre for ADR (ICADR)–The London Court of International Arbitration – Commercial courts.

Books:

1. Commercial Arbitration: cases and problems by Christopher R Drahozal (Lexis Nexis, 2002)
2. Domke on Commercial Arbitration: The law and practice of Commercial Arbitration by MART IN DOMKE, revised by Gabriel Wilner, Thomas Reuters, 2014 Ed.
3. Commercial Arbitration by Lord Mustill and Stewart C Boyd, Butterworths 2001.
4. Comparative International commercial Arbitration by Julian DM Leus, Locker and Stefan
5. International Commercial Arbitration by Harsh Sethi and Arpan Kr Gupta
6. The Law and Practice of Commercial Arbitration in England by Sir Michael J. Mustill, Stewart Crauford Boyd (Butterworths, 1989)


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Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Commercial Arbitration

Course Code: LLM

Semester: II

Faculty Name: Dr S V Damodar Reddy

Mobile No: 9440238077

Email: drsvdamodarreddy@gmail.com

Objectives

This course helps the student familiarize with the basic concepts and intricacies in conduction of international commercial arbitration and commercial arbitration in India. It also provides the procedure of conducting E-Arbitration and knowledge of the various arbitral institutions.

Course outcome

At the end of the course students able to understand concepts, laws and the procedure of conducting the international commercial arbitration as well as the commercial arbitration in India along with the procedure of conducting arbitration online.

Recommended Text Books and Reference Books

	TEXT BOOK	AUTHOR / PUBLICATION
1	The Principles and Practice of International Commercial Arbitration	Margaret L. Moses, Cambridge University Press
2	International Commercial Arbitration and Its Indian Perspective	Harsh Sethi & Arpan Kr Gupta, Universal Law Publishing Company
3	Commercial Arbitration: cases and problems	Christopher R Drahozal , Lexis Nexis, 2002
4	Domke on Commercial Arbitration: The law and practice of Commercial Arbitration	MART IN DOMKE, revised by Gabriel Wilner, Thomas Reuters, 2014 Ed
	Commercial Arbitration	Lord Mustill and Stewart C Boyd, Butterworths 2001

6	Comparative International commercial Arbitration	Julian DM Leus, Locker and Stefan
7	The Law and Practice of Commercial Arbitration in England	Sir Michael J. Mustill, Stewart Crauford Boyd (Butterworths, 1989)
8	Arbitration & Conciliation Act, 1996	Dr S C Tripathi Central Law Publications
9	Law of Arbitration & Conciliation and Alternative Dispute Resolution Systems	Avtar Sigh, Eastern Book Company

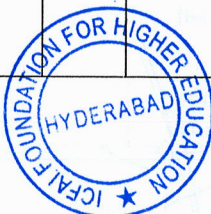
Course Outline:

Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1	10	Introduction	Evolution of International Commercial Arbitration – Growth and Historical Development of ICA - Objectives – Jay Treaty of 1794 - Treaty of Ghent – 1814 – Hague Conventions 1899 and 1907 – Permanent Court of Arbitration – International Chamber of Commerce 1919 – Court of International Arbitration 1923 – Geneva Protocol on Arbitration Clauses 1923 – Geneva Convention on the Execution of Foreign Awards 1927 – New York Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press International Commercial Arbitration and Its Indian Perspective, Harsh Sethi & Arpan Kr Gupta, Indian	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press, Chapter – 1, Pages 1-9 International Commercial Arbitration and Its Indian Perspective, Harsh Sethi & Arpan Kr Gupta,	To make understand the students the evolution of the international commercial arbitration by way of various treaties and conventions.

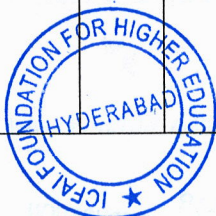
				Perspective, Harsh Sethi & Arpan Kr Gupta, Univers al Law Publishi ng Compa ny	Universal Law Publishing Company, Chapter – I, Pages 1-6	
II	15	International Commercial Arbitration	International Commercial Agreements – General Principles of Interpretation of International Commercial Arbitration – Enforcement - International Arbitration <i>versus</i> Litigation – Institutional Arbitration and <i>Adhoc</i> arbitration – UNCITRL Arbitration Rule 1976 – UNCITRAL Model Law on International Commercial Arbitration 1985 – Objectives and Principles – Structure and Adoption of Model Law – General Provisions – Arbitral Agreement – Jurisdiction of Arbitral Tribunal – Conduct of Arbitral Proceedings	The Princip les and Practice of Internat ional Comme rcial Arbitrat ion, Margar et L. Moses, Cambri dge Universi ty Press Internati onal Commer cial Arbitrati on and Its Indian Perspecti ve, Harsh Sethi & Arpan Kr Gupta, Universal Law Publishin g Compan	The Principles and Practice of Internation al Commercial Arbitration, Margaret L. Moses, Cambridge University Press, Chapter – 2 & 3 Pages 18-58 and Chapter-5, Pages 87- 120 and Chapter – 7, Pages 157-188 International Commercial Arbitration and Its Indian Perspective, Harsh Sethi & Arpan Kr Gupta, Universal Law Publishing	To make understand the students the principles governing the international commercial arbitration, types of arbitrations and the UNCITRL Model Law governing the international commercial arbitration.




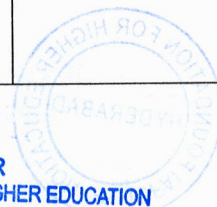
				y	Company, Chapter -2 & 3 , Pages 10-95 and Chapter-5 Pages 147-186	
III	15	Commercial Arbitration in India	Evolution of arbitration in India (Indian Arbitration Act 1899 – Arbitration Act 1940 - Arbitration and Conciliation Act 1996) – Agreement to Arbitrate – Appointment of Arbitrator – Enforcement of Arbitration Agreement – Laws governing Arbitration – Interim Measures – Award – Recognition and Enforcement of Arbitral Award	Arbitration & Conciliation Act, 1996, by Dr S C Tripathi Law of Arbitration & Conciliation and Alternative Dispute Resolution Systems by Avtar Sigh, Eastern Book Company	Arbitration & Conciliation Act, 1996, by Dr S C Tripathi Central Law Publications, Chapter – Introduction Pages 2-6, Chapter-II Pages 68-94 & Pages 112-121, Chapter-III, Pages 130-136 Law of Arbitration & Conciliation and Alternative Dispute Resolution Systems by Avtar Sigh, Eastern Book Company, Chapter- 8 Pages 388 – 394.	At the end students able to know the law and procedure relating to the commercial arbitration in India.



IV	10	E- Arbitration	Online Arbitration Agreement – Online Arbitral Award – Regulatory Framework for Online Dispute Resolution - Means – Confidentiality – Publication of Result of online arbitral Resolution – Protection of Electronic Communication of Data.	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press, Chapter-4, Pages 62-64	To make understand the students the mode of conducting the E-Arbitration and its advantages.
V	7	Arbitral Institutions	International Chamber of Commerce – History – Evolution – International Court of Arbitration - Permanent Court of Arbitration (PCA) - International Centre of Settlement of Investment Disputes (ICSID) - WIPO Arbitration and Mediation Center - WTO Dispute Settlement System - Court of Arbitration for Sport (CAC) - Society of Maritime Arbitrators (SMA) - International Centre for ADR (ICADR) - The London Court of International Arbitration – Commercial courts	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press	The Principles and Practice of International Commercial Arbitration, Margaret L. Moses, Cambridge University Press, Chapter -1 , Pages 10-12	To make the students know the various arbitral institutions available for conducting the internal commercial arbitration worldwide.




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	3	Guest Lectures	International Commercial Arbitration Commercial Arbitration in India E-Arbitration			
Total	60					

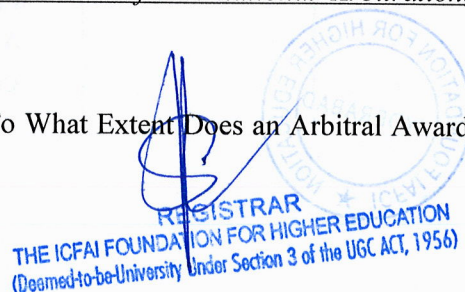
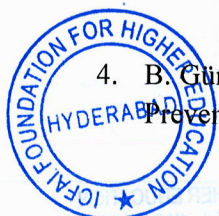
List of Cases

1. Perkins Eastman Architects DPC & another vs HSCC (India) Limited 2019 (6) Arb. LR 132 SC
2. Indian Oil Corporation Limited vs FEPL Engineering Private Limited & another 2019 (6) Arb. LR 155 Delhi (DB)
3. Hindustan Construction Company Limited & another vs Union of India & others 2019 (6) Arb. LR 171 SC
4. Mitra Guha Builders (India) Company vs Oil & Natural Gas Corporation Limited 2019 (6) Arb. LR 216 SC
5. Mayavati Trading Private Limited vs Pradyuat Deb Burman 2019 (6) Arb. LR 1SC
6. Avinash Hitech City 2 Society & others vs Boddur Manikya Malini & another 2019 (5) Arb. LR 401 SC
7. Oriental Insurance Company Limited vs Tejparas Associates Exports Private Limited 2019 (5) Arb. LR 411 SC
8. Vison India Ayurved Private Limited vs N K Sharma 2019 (5) Arb. LR 523 Delhi
9. Chairman, Geo Miller & Company vs Rajasthan Vidyut Vitan Nigam Limited 2019 (5) Arb. LR 531 SC
10. Libra Automotives Private Limited vs BMW India Private Limited & another 2019 (5) Arb. LR 465 Delhi

List of Articles

1. **Prof. Dr. Emmanuel Gaillard (Shearman & Sterling LLP, Paris, France): "International Arbitration as a Transnational System of Justice," in Arbitration - The Next Fifty Years, ICCA Congress Series No. 16, 2012, pp.66-73.**
2. **Klaus Peter Berger: 'Common Law v. Civil Law in International Arbitration: The Beginning or the End?' (2019) 36 Journal of International Arbitration, Issue 3, pp. 295-313**
3. **Milo Molfa, Adam Grant, Paul Kleist, Amy Wen Wei.: 'Challenges in the Taking of Evidence in Arbitrations Seated in Mainland China' (2019) 36 Journal of International Arbitration, Issue 3, pp. 315-336**

4. **B. Günes: Res Judicata in International Arbitration: To What Extent Does an Arbitral Award Prevent the Re-Litigation of Issues? TDM 6 (2015)**



5. Sussman, Edna & Dosman, Alexandra : Evaluating the Advantages and Drawbacks of Emergency Arbitrators TDM 6 (2015), International Commercial Arbitration
6. Lucy Greenwood: 'Revisiting Bifurcation and Efficiency in International Arbitration Proceedings' (2019) 36 Journal of International Arbitration, Issue 4, pp. 421–429
7. Julio César Betancourt: 'What Are the Arbitral Tribunal's Powers in Default Proceedings?' (2019) 36 Journal of International Arbitration, Issue 4, pp. 485–502
8. Jörg Risse: 'The Future of Arbitration: A Poet's Prophecy' (2019) 36 Journal of International Arbitration, Issue 6, pp. 679–692
9. Gautam Mohanty, Raghav Bhargava: 'Separability of Arbitration Agreement in Mutual Termination of Contracts in India: A Legislative Guideline' (2019) 36 Journal of International Arbitration, Issue 6, pp. 727–738
10. David Ryan, Kanaga Dharmananda SC: 'Summary Disposal in Arbitration: Still Fair or Agreed to be Fair' (2018) 35 Journal of International Arbitration, Issue 1, pp. 31–57

Expectations from Students:

- www. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- xxx. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- yyy. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- zzz. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- aaaa. Evaluation is a continuous process at ICAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- bbbb. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- cccc. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- dddd. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- eeee. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- ffff. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum



attendance requirement will result in stoppage from writing/attempting mid-term or end-term exams.

- Five (5) Marks for attendance will be given as below-

Attendance percentage	Marks allotted
96-100	5
91-95	4
86-90	3
81-85	2
75-80	1
Less than 75%	0

gggg. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

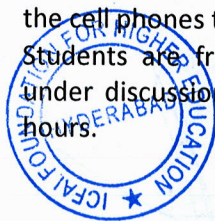
Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.



- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment	04-02-2020	07-02-2020	15	Unit – I & II
NCP II	Internal Assessment	23-03-2020	27-03-2020	10	Unit – III & IV
NCP III	Internal Assessment	15-04-2020	17-04-2020	15	Unit – I to IV
End Term	End Term	04-05-2020		60	Unit – I to V

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Dr. S V Damodar Reddy is having fourteen years of full time teaching experience with qualified PhD. in (Intellectual Property Laws), UGC-NET and UGC-AP-SET, LLM, MBA, PG Diploma in Intellectual Property Rights., PG Diploma in Computer Applications., GC in Intellectual Property Rights from WIPO, Geneva, Switzerland. Published a book entitled "Intellectual Property Rights Laws and Practice", and the Research fields include Intellectual Property Laws, Land Laws and Real Estate Laws beside others. Presented papers in International and National Seminars, written articles, acted as resource person for the Judicial Officers, Assistant Public Prosecutors coaching and for many other organizations. Recorded Video lessons on the subjects Land Laws, Interpretation of Statutes, Drafting, Pleading and Conveyancing for Educational and Multimedia Research Center (EMMRC).



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Paper 4 – Competition Law

Objectives:

The objective of the course is to provide inputs on Competition law and policy. To learn about the consumers and how they are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. It also helps the students to know about the Competition Commission of India, to create awareness and to build strong competition culture in the country and develop the abilities to deal with the issues on expanding horizons of the corporate law.

Course Outcome :

This course shall help the students understand the history of Competition Law and its evolution from the MRTP era. It shall help them understand the basic meaning of the term 'Competition' and 'Competition Law', along with the international perspective.

UNIT – I Competition: An Introduction

Monopolistic Trade Practices – Restrictive Trade Practices –Raghavan Committee Report – Development of law from MRTP to Competition Act 2002 – Aims, Objects and Salient features – Comparison between MRTP Act and Competition Act – Definition of Competition – Definition of Competition Law – Objectives of Competition Law – History of Competition Law (USA, UK, Europe) –Relevant provisions of Sherman's Act – Indian scenario with an overview of MRTP Act, 1969.

UNIT – II Anti-competitive Agreements and Competition Law

Abuse of Dominant Position – Protection of consumers – Competition Commission of India (CCI)- Structure and function of CCI – Regulatory role – Appreciable adverse effect – Horizontal and Vertical agreements – Effects of doctrine – Prohibition of anti-competitive agreements – Concerted practices and parallel behavior – Cartel and Cartelization – Bid rigging and collusive bidding – Tie-in-arrangements – Exclusive supply agreement – Resale price maintenance agreement – Abuse of Dominant Position – Relevant market – Predatory behavior – Predatory pricing – Discriminatory practices – Relevant market

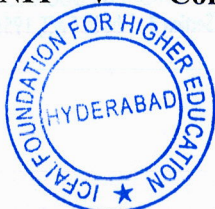
UNIT – III Merger and Amalgamation

Combination – Value of Assets– Turnover – Acquisition – Conglomeration – Joint Venture – Merger and Amalgamation – Notification

UNIT IV Competition Commission of India and Appellate Authority

Establishment and composition – Duties – Procedure for inquiry – Powers – Competition fund – Competition Advocacy – Competition Policy – Competition Appellate Tribunal – Composition, Functions, Powers and Procedure – Award Compensation – Power to punish for contempt –Execution of orders

UNIT – V Consumer Protection and Competition Law



Definition of Consumer – Definition of Service – Deficiency in Service – Unfair Trade Practices – Overlapping areas and challenges

Books:

1. Mittal D.P., Taxmann's Competition Law (2007)
2. Universal Guide to Competition Law in India-2003, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., Competition Law in India- Policy, Issues and Development (2006) OxfordUniversity Press.
4. Nahar. S. Mahala, Law, Practice and Procedure (2006), Commercial Law Publishers.
5. Dhall .Vinod, Competition Law Today, (ed.) 2007, Oxford University Press
6. Bangia R.K., A Handbook of Consumer Protection Laws and Procedure, 2004, Allahabad Law Agency.
7. Singh Avtar, Law of Consumer Protection; Principles and Practice, 2005, Eastern Book Company.
8. Verma S.K. & M.Afzal Wani, A Treatise on Consumer Protection Laws, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, Universal's Practical Guide to Consumer Protection Law, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, Consumer Decision- Making, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Ed. (2008).

Dissertations: The students are required to select a topic of contemporary relevance, carry out the work by following research methodology and prepare the dissertation. Also the students have to present their work in the viva-voce.




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Course Hand Out
Academic Year – 2019-20

(Class of 2020)

Course Name: Competition Law

Course Code:

Semester: LLM Semester II

Faculty Name: Mrs. Richa Prateek Jain

Mobile No: 9555552224

Email: adv.jainricha@gmail.com

Objectives of the Course: The objective of the course is to provide inputs on Competition law and policy. To learn about the consumers and how they are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. It also helps the students to know about the Competition Commission of India, to create awareness and to build strong competition culture in the country and develop the abilities to deal with the issues on expanding horizons of the corporate law.

Course Outcome :

This course shall help the students understand the history of Competition Law and its evolution from the MRTP era. It shall help them understand the basic meaning of the term 'Competition' and 'Competition Law', along with the international perspective.

Recommended Text Books and Reference Books

	TEXT BOOK	AUTHOR / PUBLICATION
1	Taxmann's Competition Law (2007)	Mittal D.P.
2	Universal Guide to Competition Law in India-2003.	Universal Law Publishing Company, New Delhi.
3	Competition Law in India- Policy, Issues and	Ramappa. T., Oxford University Press.



	Development (2006)	
4	Law of Consumer Protection; Principles and Practice, 2005	Singh Avtar, Eastern Book Company
5	Competition Law	S.C. Tripathi, Central Law Publications
6	Law, Practice and Procedure	Nahar. S. Mahala, (2006), Commercial Law Publishers.
7	Consumer and Protection Law and Practice,	Aggarwal, Prof. V. K., 6th Ed. (2008).
8	Consumer Decision- Making	Pavleen, 2006, Deep & Deep Publication.
9	Competition Law Today,	Dhall .Vinod, (ed.) 2007, Oxford University Press
10	A Handbook of Consumer Protection Laws and Procedure,	Bangia R.K., 2004, Allahabad Law Agency.

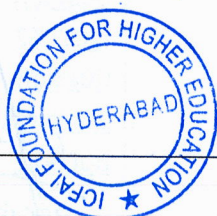
Course Outline:

Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1	12	UNIT – I: Competition: An Introduction	Monopolistic Trade Practices - Restrictive Trade Practices – Raghavan Committee Report - Development of law from MRTP to Competition Act 2002 - Aims, Objects and Salient features - Comparison between MRTP Act and Competition Act - Definition of Competition Law - Objectives of Competition Law - History of Competition Law (USA, UK, Europe) - Relevant provisions of Sherman’s Act - Indian scenario with an overview of MRTP Act, 1969.	Ramappa. T., Oxford University Press. Competition Law in India- Policy, Issues and Development (2006)	(page 1-25) Students may also refer https://www.cci.gov.in/sites/default/files/advocacy_booklet_document/CCI%20Introduction	This Unit shall help the students understand the history of Competition Law and its evolution from the MRTP era. It shall help them understand the basic meaning of the term ‘Competition’ and ‘Competition Law’, along with the international perspective.

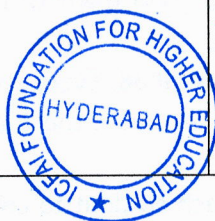


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2	15	UNIT – II: Anti-competitive Agreements and Competition Law	Abuse of Dominant Position - Protection of consumers - Competition Commission of India (CCI)- Structure and function of CCI - Regulatory role - Appreciable adverse effect - Horizontal and Vertical agreements - Effects of doctrine - Prohibition of anti-competitive agreements - Concerted practices and parallel behavior - Cartel and Cartelization - Bid rigging and collusive bidding - Tie-in-arrangements - Exclusive supply agreement - Resale price maintenance agreement - Abuse of Dominant Position - Relevant market - Predatory behavior - Predatory pricing - Discriminatory practices - Relevant market	Singh Avtar, Eastern Book Company, Law of Consumer Protection; Principles and Practice, 2005 Ramappa. T., Oxford University Press. Competition Law in India- Policy, Issues and Development (2006)	(page 67-197) Student s may also refer	This Unit shall help the students understand Section 3, 4 of the Act and shall help shed light on the cases and concerns that arise in the anti-trust cases
3	11	UNIT – III: Merger and Amalgamation	Combination - Value of Assets- Turnover - Acquisition - Conglomeration - Joint Venture - Merger and Amalgamation - Notification	Ramappa. T., Oxford University Press. Competition Law in India- Policy, Issues and Development (2006)	(page 201-261) Students may also refer : https://www.cci.gov.in/sites/default/files/advocacy_booklet_document/combination.pdf	This Unit shall help the students understand Section 5,6 of the Act. It shall help them understand the nuances of combination regulation as exercised under the Act.



4	12	UNIT – IV: Competition Commission of India and Appellate Authority	Establishment and composition - Duties - Procedure for inquiry - Powers - Competition fund - Competition Advocacy - Competition Policy - Competition Appellate Tribunal - Composition, Functions, Powers and Procedure - Award Compensation - Power to punish for contempt - Execution of orders	Ramappa. T., Oxford University Press. Competition Law in India- Policy, Issues and Development (2006)	(page 275-303)	This Unit shall help the students understand the formation and working of the Competition Commission of India, the nodal regulatory body concerned with the enforcement of Competition Law in the Country.
5	10	UNIT – V: Consumer Protection and Competition Law	Definition of Consumer - Definition of Service - Deficiency in Service - Unfair Trade Practices - Overlapping areas and challenges	Law of Consumer Protection; Principles and Practice, 2005, Singh Avtar, Eastern Book Company	Students may also refer : https://www.cci.gov.in/sites/default/files/advocacy_booklet_document/Part%202%20Consumer%20Association%201%20nov_0.pdf	This Unit shall help the students understand the interface between Competition Law and Consumer Protect laws and shall shed light on overlapping areas and challenges
Total	60					



List of cases-

1. Google Inc. & Ors v Competition Commission Of India
2. Mohit Manglani v. M/s Flipkart India Pvt. Ltd. & Ors
3. M/s Fast Track Call Cab Private Limited v. M/s ANI Technologies Pvt. Ltd.


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4. Shamsheer Kataria v Honda Siel Cars Ltd.
5. Jet-Etihad Case
6. Surinder Singh Barmi v The Board of Control for Cricket in India
7. Builders Association of India v Cement Manufacturers Association
8. Walmart-Flipkart Case
9. Belairs Owners Association v DLF
10. Brahm Dutt v Union of India

List of Journals

1. Indian Competition Law Review
2. Journal on Competition Law and Economics – Oxford Academics
3. Kluwer Law Online

Expectations from Students:

hhhh. Students must report to the respective sessions well before the announced time.

Late comers will not be permitted to join the class after five minutes of the scheduled time.

iiii. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.

jjjj. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.

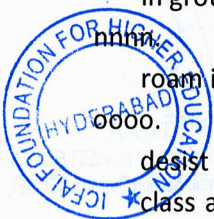
kkkk. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.

llll. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.

mmmm. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.

nnnn. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.

oooo. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.



pppp. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.

qqqq. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

- Five (5) Marks for attendance will be given as below-

Attendance percentage	Marks allotted
96-100	5
91-95	4
86-90	3
81-85	2
75-80	1
Less than 75%	0

rrrr. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

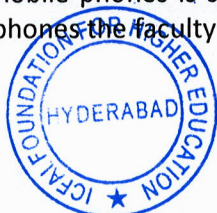
Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.



- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

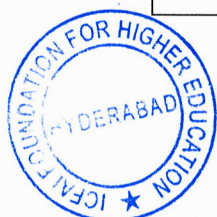
Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment	Feb 3 rd week	Feb 4 th Week	10	Unit 1-2
NCP II	Mid Term	March 9 th	March 4 th Week	20	Unit 1-3
NCP III	Internal Assessment			10	Unit 3
NCP IV	Class Participation	-	-	5	
NCP V	Attendance	-	-	5	
End Term	End Term	May 13 th	May 4 th Week	50	Unit 1-5

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Mrs Richa Prateek Jain, BA LLB, LLM (NET) has a keen interest in the fields of Intellectual Property Rights and Competition Law. She was previously working with the Competition Commission of India in New Delhi. In the past, she has been affiliated with the Symbiosis International University, Pune and the Bharati Vidyapeeth (Deemed to be) University, Pune.



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Non-Credit Courses

Corporate Governance and Social Responsibility

Objectives:

The Objective of this course is to provide the concepts relating to corporate responsibility, Importance of Corporate Governance, Different systems of Corporate Governance, Reforms of Corporate Governance undertaken in India. It also discusses various Committees on Corporate Governance, Provisions of the Companies Act 2013 and the Listing Agreements.

Unit I Corporate Governance

Definitions – Evolution of the Corporate Structure – Definition of Corporate Governance – Difference between Corporate Governance and Corporate Management Evolution of corporate governance – Issues in Corporate Governance – Theories of corporate governance – Models of corporate governance: Anglo – American model, German model, Japanese model, Indian model.

Unit II Corporate Governance: Board Structures and Styles

Types of Board structures – Styles of functioning of Boards: Rubber stamp board, representative board, country club board and professional board – Types of Board of Directors – The role of Board of Directors – Responsibility and duties of directors – Role of Chairman – The Functions of chairman – Role of CEO – The functions of CEO – Functions of the Board – Committees of the Board – Audit committee, Remuneration committee, and Nomination committee.

Unit III Corporate Governance: Codes and Law

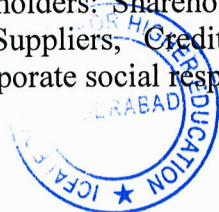
Self-regulatory codes – Committees on corporate governance: Cadbury Committee Report, Kumaramangalam Birla Report, CII Report, and OECD Committee – Naresh Chandra Committee – Narayana Murthy Committee – Institute of Corporate Governance Current Developments.

Unit IV Corporate Governance: Company Law

Provisions of the corporate governance in Companies Act 2013 – Clause 49 and 49 a of Listing Agreement – Role of SEBI on regulating the companies' vis-à-vis corporate governance

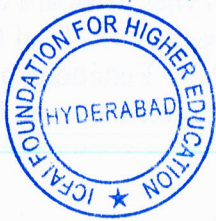
Unit V Corporate Social Responsibility


Role of business in the Society – The social challenge – Standards and values – Corporate Social Responsibility: meaning, nature and scope – Stake holders in Social Responsibility: Internal stakeholders: Shareholders, Employees, and Management – External stakeholders: Consumers, Suppliers, Creditors, Competitors, Community – Company law provisions relating to corporate social responsibility



Books:

1. Smith and Keenan's, Company Law (2002)
 2. Corporate Law by Robert Clark, Little, Brown and Co.
 3. Charlesworth and Morse Company law, Sweet and Maxwell, 16th Ed.
 4. Andrew Lidbetter, Company Investigations ad Public Law (1999)
 5. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control (2002).
 6. Avtar Singh, Company Law, 2007 Eastern Book Company, Lucknow.
 7. Gower's Principles of Company Law 8 th Edition 2008, R. Cambay & Co. Pvt. Ltd.
 8. Smith and Keenan's Company Law.
 9. S. K.Verma & Suman Gupta, Corporate Governance and Corporate Law Reform in India (2005).
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10. Companies Act, 1956
 11. Suman Gupta: Shareholder's Democracy: Fact or Fiction. (1992)
 12. Taxman's on Corporate Law 2013




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Corporate Tax Laws

Objectives: The Objectives of this course is to explain the constitutional aspects of the tax payments, types of taxes charged on citizens, classification of taxes, recovery of tax payments, Administration and procedure of Tax collections. It also discusses central taxes such as customs, excise and central sales taxes.

Unit I: Introduction to Tax Laws

Evolution of Concept of Tax Collections – Indian Constitution and Power to Collect the Taxes by Central and State governments – Classification of taxes – Tax Legislative process– Legal Frame work for taxation – Law of tax administration and procedure– Tax Collection Institutions –Role of Finance Commission –Finance Act – the role of Securities Transaction Act –Doctrine of Immunity of Instruments Act.

Unit II: Income Tax Liability

Law of Income Tax – Basic concepts:Residential Status, Financial year, Assessment Year and PreviousYear, Concept of income –Income that is exempt from tax- Sources of Income- Income from Salary: salary, allowances, perks, exemptions, deductions – Income from House property: Calculation of income from House property, permissible deductions – Income from – Profits and gain of business and profession – Income from Other Sources –Set off and carry forward of laws – Permissible deduction –Tax Planning, Tax Management, Tax Avoidance and Tax Evasion – Advance Tax, TDS and Interest – Returns – Appeal, Revision and Reference – Corporate Tax in India.

Unit III: Goods and Service Tax Liabilities

Concept of goods – chargeability – tax on goods –General Sales Tax and VAT –Service Tax: Nature and meaning of Service Tax – Bases of charge of Service Tax –Payment of Service Tax –Administration of Service Tax – Returns

Unit IV: Indirect Taxes and Corporate Liability

Concept of VAT – Advantages and Disadvantages ofVAT– Input Tax Credit – Variants of VAT – Methods of Computation of Tax – Excise Duty: Meaning, Nature and Scope – Types of Excise duties – Excise Authorities – Collection: Assessments, Penalties, Appeals – CENVAT – Custom Duty – Nature and Scope – Custom duty and charging – Exemptions – Ports– Authorities – Collection–Offences and penalties-Appeals and Revisions

Unit V: Tax Management

Tax Management–Submission of return and procedure of assessment – PAN and TAN– Deduction and collection of Tax at source – Advance payment of Tax – Refund of Tax– Minimum Alternate Tax (MAT) – Schemes of Tax Planning –Profits and gains of business on profession – Capital Gains – Employees remuneration – Tax factor in dividend policy

Unit VI: Tax Liabilities and Corporate Restructuring

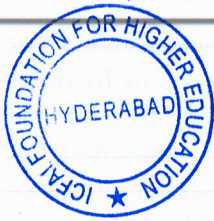
Tax planning Relating to Mergers and Amalgamations – Tax planning relating to Issue of bonus and right shares – Tax Planning andManagerial Remuneration – Tax Planning Foreign collaborations and Joint Ventures – implications of double taxation- Double Taxation Agreement – Offences and penalties – Tribunals and Appeals – Current developments

Books:

1. Singhania V.K. & Singhania Kapil, Direct Taxes, 2014, Law and Practice, Taxmann.



2. Ahuja Girish & Gupta Ravi, Concise Commentary on Income Tax 2013 Bharat Law House.
3. Garg Mohan Lal, Law of Central Sales Tax, 2008, Jain Book Agency.
4. Kohli D.N., Central Excise Procedures 2008, Taxman Publication
5. Jain R.K., Service Tax Law Guide, 2007-2008, Centax Publishers
6. Jain R.K., Customs Law Manuals, 2008 Centax Publishers
7. Gupta Ravi & Ahuja Girish, Bharat's Systematic Approach to Income Tax & Central Sales Tax, 2006, Bharat Law House.
8. Chaturvedi K., Guide to Mastering Vat, 2005, Wadhwa & Company.
9. Chaturvedi K., Central Sales Tax Laws, 2002, Wadhwa & Company.



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Merges and Acquisitions

Objectives: The Objectives of the course is to provide inputs about the financial markets, operation of financial markets more specifically the capital markets and analysis of company's capital requirements – It also help the students in understanding the corporate decision making in mergers, amalgamations and restructuring of companies for better performance and optimum profits.

Unit I Overview of Financial markets and Business Alliances

Overview of financial markets–Various forms of business alliances –Decision making for Business alliances– Business alliance models – Capital Restructuring and models –Joint ventures – Sell off and Spin off

Unit II Mergers and Acquisitions: An Introduction

Meaning and nature of Mergers, Acquisitions, Amalgamations, Reconstruction of Capital and Takeovers –Theories – Advantages and Disadvantages – Structure of Transaction (Asset Purchase, Cross-Border Mergers, and Share Purchase) –Leveraged buy outs (LBO) – Management buyouts

Unit III Corporate Restructuring Process

Merger Process: Dynamics of M&A process– identification of targets – negotiation- closing the deal– Five stage model – due diligence – Process of merger integration – organizational and human aspects – managerial challenges of M& A – Valuation of Companies – Methods of financing the mergers and reconstruction of companies – Accounting for reconstruction of companies

Unit IV Takeovers

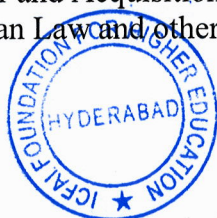
Takeover– meaning, nature and scope – types of takeovers – issues relating to hostile takeover – defenses against the hostile takeover – takeover impact on companies restricting – Takeover and company law provisions– Takeovers and SEBI guidelines.

Unit V Law Relating to Mergers and Acquisitions

Company Law provisions – Mergers and Acquisitions (M&A) –Reconstruction, compromise and amalgamations – Role of NCLT and Central government in M & A of companies – Provisions of Competition law –SEBI Act – Takeover Code – Provisions of FEMA – FEMA Regulations

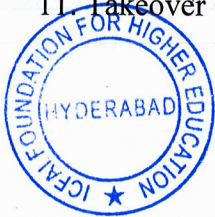
Unit VI Cross Border Mergers and Acquisitions

Cross border Mergers and Acquisitions – Foreign Exchange Law provisions and Role of RBI –Merger and Acquisition in International Law – comparative study –European Law, American Law and other Systems of Law – Cases



Books:

1. Mergers, Acquisitions, and Other Restructuring Activities by Donald M. DePamphilis(ELSEVIER)
2. Mergers, Restructuring and Corporate Control by J. Fred Weston, Kwang S. Chung and Susan E. Hoag (Prentice Hall)
3. Mergers, Acquisitions and Takeovers by H. R. Machiraju
4. Merger and Acquisitions from A to Z by Andrew J. Sherman and Milledge A. Hart
5. Mergers et. Al. by S. Ramanujam (Lexis nexis)
6. Companies Act 2013
7. Competition Act 2002
8. Foreign Exchange Management Act
9. FDI Regulations
10. Foreign Security Regulations
11. Takeover Code



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E-Commerce

Objectives:

The objective of the course is to provide inputs to the students about emerging significance of e-commerce, the transactions and technology used in e-commerce, E-commerce contracts and various relevant legislations and conventions at international level. The course is made with an objective to explain the existing cyber laws more particularly, the IT Act 2000. It also enlightens the students on the concepts such as the cyberspace, networking, databases, e-business, e-governances and e-banking.

Unit I: Introduction to Cyberspace and Cyber Jurisprudence

Evolution of Information Technology – Cyberspace: Meaning and Nature – Components of Information Technology – Networking – World Wide Web – Network Service Providers-Data and Database Management – Technology Management – Information Technology and Business Interface – Domain Names: Nature and Concept – Registration of Domain Names – Domain Names Registration Authorities –Domain Name Regulations –Domain Name Piracyand Misuse

Unit II: Information Technology Act 2000

Objectives – Electronic and Digital Signatures: Concept and Nature – Electronic Governance –Electronic Records –Regulation of Certifying Authorities – Digital Signature Certification– Cyber Crimes, Offences and Penalties – Cyber Appellate Tribunal – Amendments to other Laws – (Indian Contract Act, Indian Penal Code, Indian Evidence Act, Bankers Book of Records, Registration Act) –Guidelinesfor Internet Service Providers

Unit III: Electronic Contracts

Meaning and Nature of Electronic Contracts – Issues Relating to Electronic Contracts – Status of Electronic Contracts –Click-wrap And Shrink-wrap Contracts –Electronic Contract Formation–Internet vs. Contract Law – Internet and onlinemarketing contracts – Supply-chain Management contracts.

Unit IV: Electronic Governance

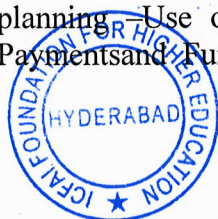
Electronic Governance: Conceptual understanding – Electronic Governance and Consumer Protection – use of Electronicsin the Governmentfunctions – Information Development and Sharing – Security and risk management –Misuse of electronic information – E-Police stations and Investigations – Use of Electronic media in trials of Courts and Digitalization – Justice

Unit V: Information Security and Risk Management

Electronic Information and Need for Security – Vulnerability of Information – PhysicalSecurities – Organizational Security – Systems Security – Threats and Strategic Policies for risk Protection – Technical and non-technical Control –Network Security – E-mail Security – Database Securities

Unit VI: E-Commerce and e- Banking

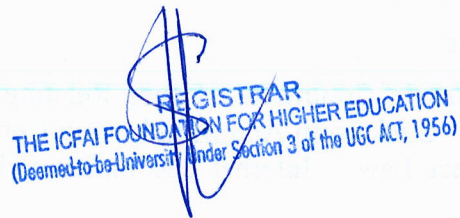
E-Commerce and e-Business – e-Business Architecture – e- Business Infrastructure – e-Business Models and Capacity Building – e- Marketing and CRM – e-Business Security – e-Procurements – e-Knowledge Management – e-Payments and gateways – e-Strategy and planning – Use of electronics in Banking – Banking Information Systems – Electronic Paymentsand Fund Transfers – Electronic Clearing Systems and MICR – Core Banking



Solutions – Net Banking – ATMs – Mobile Banking – RBI Guidelines on Electronic Banking –Security Issues.

Books:

1. The Law of E-Commerce: E-Contracts, E-Business, Abdulhadi M Alghamdi, Authorhouse (16 November 2011)
2. Insights into E contracts in India SACHIN RASTOGI 2013 1st Edition Lexis Nexis
3. Essentials of E – Commerce Technology, by Rajaraman V. (Author) Publisher: PHI (2009)
4. Law of Electronic Commercial Transactions, Contemporary Issues in the EU, US and China, 2nd Edition, By Faye Fangfei Wang, Routledge – 2014
5. E-Commerce: Strategy, Technologies and Applications, Whiteley, Tata McGraw-Hill Education, 2001
6. Cyber Law – An exhaustive section wise Commentary on The Information Technology Act along with Rules, Regulations, Policies, Notifications etc. by Duggal Pavan.
7. Legal Dimensions of Cyberspace – S.K. Verma & Raman Mittal by I.L.I. (Indian Law Institute)
8. Law Relating to Computers Internet & E-commerce – A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws, 5th Edn. 2012 (Reprint), by Kamath Nandan , Pages – 902, Reprint 2015



LLM in Tax Laws

About the Program: The program is a practice oriented one which provides inputs in the area of taxation. The students joining the program shall have the comprehensive understanding of litigation procedures relating to taxation.

Semester -1 Papers with Course Codes

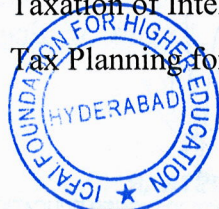
Sl. No.	Code	Title of the Paper	Credits
1.	ML111	Research Methods and Legal Writing	3
2.	ML112	Comparative Public Law	3
3.	ML113	Law and Justice in Globalizing World	3
4.	ML114	Tax Policy – Foundation of the Taxation – Tax Planning	2
5.	ML115	General Taxation, Direct Taxation	2

Semester – II Papers with Course Codes

Sl. No.	Course code	Title of the Paper	Credits
1.	ML121	Indirect Taxes	2
2.	ML122	Corporate Taxation	2
3.	ML123	International Taxation and Transfer pricing	2
4.	ML124	Taxation Litigation – Procedure and Practice	2
		Dissertation	3

Non Credit courses :

- Double Taxation Agreement and International Consortium of Treaties,
- Administration, Adjudication and Professional Responsibility
- Taxation of Intellectual Property Transaction
- Tax Planning for Family Business



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LLM (TAX LAWS)

Paper – I Research Methods and Legal Writing

Objectives:

The course helps the students to learn various methods of conducting research in legal studies including the collection, analysis and organization of data and recording of findings for report writing. It will help to acquaint with the scientific method of social science research and to develop the skills of legal writing. The students are expected to acquire the knowledge and skills of investigations, interpretation of primary and secondary data in socio-legal research.

UNIT I: Introduction to Legal Research and Writing

Meaning, scope and objectives of legal research – Significance and limitations of scientific methodology with reference to socio-legal research – Importance of legal research in common law and civil law systems – Classification of legal research – Doctrinal and Non-doctrinal – merits and demerits (evaluative, explicative, identificatory, projective, collative, impact analysis and interpretative) – Legal writing- meaning and scope.

UNIT II: Research Design and Methods

Meaning – Formulation of research design – objective and purpose of study – selection of research problem and developing a research plan (Exploration, Description, Diagnosis, Experimentation) – Research design – Basic Principles – Need of research design — Features of good design – Important concepts relating to research design – Observation and Facts, Laws and Theories, Prediction and explanation, Induction, Deduction, Development of Models. Hypothesis – meaning, scope, classification, formulation of hypothesis – literature survey – use of information technology for collection of material (word processing, data processing, graphical processing, use of excel).

UNIT III: Research Sources and Techniques

Sources of Data – Primary and Secondary Data – Sampling – different types – Determining experimental and sample designs – sampling methods – survey and case study method – scaling techniques and content analysis.

UNIT IV: Research Tools and Data Processing

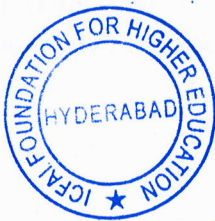
Methods of data collection – Observation and collection of data – interview and schedule – questionnaire – socio-metric and jurimetrics – Data processing and Analysis strategies (deduction and induction) – Data Analysis with Statistical Packages – Hypothesis-testing – Generalization and Interpretation.

UNIT V: Legal Writing

Significance of legal writing – essentials of legal writing – legal drafting rules – citation methodology – book review and case comments – application of maxims and doctrines – Different steps in the preparation – Layout, structure and language of typical reports – Illustrations and tables – Bibliography, referencing and footnotes – Report writing – plagiarism and copyright issues.

Books:

1. Research Methodology by Wilkinson & Bhandarkar
2. Researching and Writing in Law by Terry Hutchinson, 3rd Edition
3. Concise Book on Legal Research by Robert Watt
4. Legal Research and Methodology, S K Verma & M Afzal Wani (eds), (Indian Law Institute, New Delhi, 2nd ed., 2001).
5. Decision Making in the Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research by Vijay K. Gupta, (Delhi: Kaveri Books, 1995).
6. Qualitative Research Methods for the Social Sciences, by Bruce L. Berg (London: Allyn and Bacon, 2001).
7. Legal Research Methodology, Rattan Singh (2013) Lexis Nexis
1. Research Methods for Law by Wing Hong Chui (Edinburgh University Press, 2007)



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Paper – II Comparative Public Law

Objectives:

The course helps the student familiarize with the basic concepts of Public Law, knowledge and understanding about the Constitution and its relationship with State and citizen. It also helps in understanding the Comparative and Contemporary Perspective of Governments and Public Law in various Democracies like England, USA and France and also to study principles of criminal liability and the concept of international criminal justice and measures to adopt and maintain peace in the society. It seeks to trace out the evolution of Corporate Law in the wake of Globalization.

Course outcome:

At the end of the course students understand the concept of public law particularly the Constitutional Law, Administrative Law, Criminal Law and Corporate Law in comparison with different countries and the contemporary issues.

UNIT I Introduction

Public law – meaning, concept and definition – distinguish public and private law – Public law in comparative perspective – Contemporary Issues – Employment, Aging Population, Cyber Security, Urbanization, Social Security, Human Rights and Legal Aid

UNIT II Comparative Constitutional Law

Concept of the Constitution – Elements of Constitutionalism – Constitution as Supreme/Higher Law – Rule of law – Bill of Rights – Separation of Powers – Judicial Review - Independence of Judiciary – Constitutional Remedies – Amendment of the Constitution – Impact of Globalization on Constitutionalism

UNIT III Comparative Administrative Law

Classification of Administrative action – Administrative Discretion – Principles of natural Justice – Ombudsman – Administrative Liability – Transparency and Accountability

UNIT IV Comparative Criminal law

Concept and essentials of Crime – Principles of Criminal Liability – Criminal Justice – Fair Trial – International Criminal Justice (Genocide, Crime against Humanity) – International Court of Justice – International Criminal Court (Rome Statute) – Hybrid Courts, Juvenile Justice, White Collar Crimes, Homicide, Violence against Women (VAW)

UNIT V Comparative Corporate Law

Origin and development of corporate law in UK, US and France – Influence on India and China – Development with economic and social Globalization – Principles of Corporation law – Liability of Corporations – Corporate Governance and Social Responsibility

Books: There is no one text book for the course. A detailed reading list will be provided to students week by week

1. A Text book on Jurisprudence by Paton
2. Hall, Jerome: General Principles of Criminal Law (1960), 2nd Ed.
3. Kenny's: Outlines of Criminal Law, 19th Ed.
4. Russell: On Crime, 12th Ed. Vol. I
5. An Introduction to Comparative Law Theory and Method BY Geoffrey Samuel, First Edition (EUROPEAN ACADEMY OF LEGAL THEORY SERIES) (HART PUBLISHING, OXFORD)
6. Critical Legal Perspectives on Global Governance by Liber Amicorum David M Trubek First Edition Edited by: Gráinne de Búrca, Claire Kilpatrick, Joanne Scott (HART PUBLISHING, OXFORD)
7. International Investment Law and Comparative Public Law: An Introduction, Stephan W. Schill, Oxford University Press, 2010,
8. Comparative Constitutional Law (Research Handbooks in Comparative Law series) Edited by Tom Ginsburg & Rosalind Dixon (Edward Elgar Publishing)
9. De Smith's Judicial Review, 7th Ed. (Sweet & Maxwell)
10. LC Backer (ed) Comparative Corporate Law: United States, European Union, China and Japan (Carolina Academic Press, 2002)




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ICFAI Law School, Hyderabad

Course Hand Out

Academic Year – 2019-20

(Class of 2020)

Course Name: Comparative Public Law

Course Code: LLM

Semester: I

Faculty Name: Dr S V Damodar Reddy

Mobile No: 9440238077

Email: drsvdamodarreddy@gmail.com

Objectives

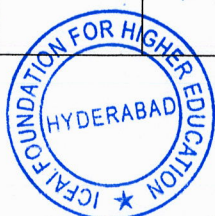
This course helps the student familiarize with the basic concepts of Public Law, knowledge and understanding about the Constitution and its relationship with State and citizen. It also helps in understanding the Comparative and Contemporary Perspective of Governments and Public Law in various Democracies like England, USA, Canada, Australia and France and also to study principles of criminal liability and the concept of international criminal justice and measures to adopt and maintain peace in the society.

Course outcome:

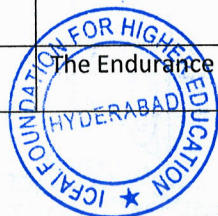
At the end of the course students understand the concept of public law particularly the Constitutional Law, Administrative Law, Criminal Law and Corporate Law in comparison with different countries and the contemporary issues.

Recommended Text Books and Reference Books

	TEXT BOOK	AUTHOR / PUBLICATION
1..	<u>An Introduction to Comparative Law Theory and Method</u>	Geoffrey Samuel, First Edition (EUROPEAN ACADEMY OF LEGAL THEORY SERIES) (HART PUBLISHING, OXFORD)
2.	<u>Critical Legal Perspectives on Global Governance</u>	Liber Amicorum David M Trubek First Edition Edited by: Gráinne de Búrca, Claire Kilpatrick, Joanne Scott (HART PUBLISHING, OXFORD)



3.	International Investment Law and Comparative Public Law: An Introduction	Stephan W. Schill, Oxford University Press, 2010,
4	Comparative Constitutional Law (Research Handbooks in Comparative Law series)	Tom Ginsburg & Rosalind Dixon Ed. Edward Elgar Publishing
5	Judicial Review	De Smith's 7 th Ed. Sweet & Maxwell
6	Effective Judicial Review: A Cornerstone of Good Governance	Christopher Forsyth, Mark Elliott, Swati Jhaveri, (Oxford University Press, 2010).
7	Comparative Constitutional Law	D.D. Basu, (2nd ed., Wadhwa Nagpur).
8.	The Living Constitution Framing of Indian Constitution	David Strauss, (Oxford University Press, 2010) Dr. Subhash C Kashyap, (Universal Law, 2004)
9.	Constitutional and Administrative Law	Elizabeth Giussani, (Sweet and Maxwell, 2008)
10.	Constitutional Law, Principles and Policies	Erwin Chemerinsky, (3rd ed., Aspen, 2006)
11.	Constitution of the World	M.V. Pylee, (Universal, 2006)
12.	Comparative Constitutional Law	Mahendra P. Singh, (Eastern Book Company, 1989).
13.	The Democratic Constitution	Neal Devins and Louis Fisher, (Oxford University Press, 2010)
14.	Judicial Review and Fundamental Rights	S.N Ray, (Eastern Law House, 1974).
15.	Democracy and constitutionalism in India – A Study of the Basic Structure Doctrine	Sudhir Krishna Swamy, (Oxford University Press, 2009)
16.	Comparative Constitutionalism in South Asia	Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, (Oxford University Press, 2013).
17.	Global Perspectives on Constitutional Law	Vikram David Amar, Mark Tushnet, (Oxford University Press, 2009).
18.	The Endurance of National Constitutions	Zachery Elkins, Tom Ginsburg, James Melton, (Cambridge



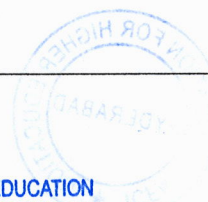
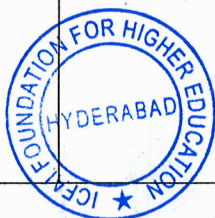
		University Press, 2009).
19.	General Principles of Criminal Law	Hall, Jerome: (1960), 2nd Ed.
20.	Russell: On Crime	J.W. Cecil Turner 12th Ed. Vol. I Sweet & Maxwell Ltd
21.	Kenny's: Outlines of Criminal Law	J.W. Cecil Turner 19th Ed. Cambridge University Press
22.	Comparative Corporate Law: United States, European Union, China and Japan	LC Backer (ed) Carolina Academic Press, 2002

Course Outline:

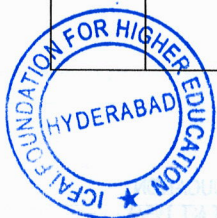
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
	8	Introduction to the Study of Comparative Public Law	Public law – meaning, concept and definition – distinguish public and private law – Public law in comparative perspective - Contemporary Issues - Employment, Aging Population, Cyber Security, Urbanization, Social Security, Human Rights and Legal Aid	1. Comparative Public Law from above and below Methodical Perspectives in The Globalized World by TSN Shastry - EBH Publishers 2. Use of Comparative Method for Internationalization of Indian Laws by Dugambi	Constitutions and constitutionalism (Law) ePathshala: https://www.youtube.com/watch?v=RkRpqBXLdQ	Students are able to understand the meaning and concept of public law and the various contemporary issues relating to public law.



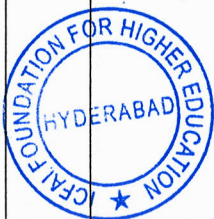
				<p>ni Patel - EBH Publishers</p> <p>3. The High Court, The Constitution and Human Rights by George Williams – EBH Publishers</p> <p>4. Human Rights and Good Governance by Manoj Kr. Sinha, EBH Publishers</p>		
	13	Comparative Constitutional Law	<p>Concept of the Constitution - Meaning and Idea of Constitution; Constitutionalism - Nature and Goals – Idea of Living Constitution - Constitution as Supreme/Higher Law – Bill of Rights – Separation of Powers - Judicial Review - Judicial Activism– Rule of law – Constitutional Remedies – Amendment of the Constitution – Impact of Globalization on Constitutionalism</p>	<p>1. Aman Ullah and Uzair Samee, “Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights”,</p>	<p>Comparative Constitution & Preamble https://www.youtube.com/watch?v=im-A26Eha40</p>	<p>Students are acquainted with Idea of Constitution and the Constitutional Ideals present in United Kingdom, United States of America, other countries and India</p>



				<p>Vol. 26 (2) South Asian Studies 299-309 (JulyDec ember 2011).</p> <p>2. Anne Smith, "Interna tionaliza tion and</p>	
				<p>Constitu tional Borrowi ng in Drafting Bills of Rights", 60(4) Internati onal and Compar ative Law Quarterl y 867- 894 (2011Oc tober).</p> <p>3. Bruce Ackerma n, "The New Separati on of Powers" 113 (3) Harv. L. Rev. 634-729 (2000)</p> <p>4. Bryan Clark and</p>	

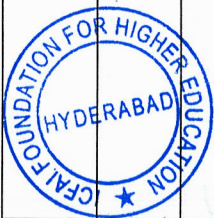


				<p>Amanda Leiter, "Regulatory hide and seek: What agencies can (and can't) do to limit judicial review" 52(5) Boston College Law Review 1687-1732 (2011 November)</p> <p>5. Chhavi Agarwal, "Rule of Law: Reflection upon we the People and Beyond" 252 (1) Madras Law Journal 8-16 (2010)</p> <p>6. Daniel B. Rodriguez, "Change that matters: Essay on</p>	
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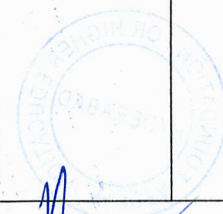
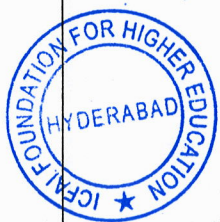
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				State Constitutional Development", 115(4) Penn State Law Review 1073-1098 (Spring 2011).	
				7. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) Harvard Law Review 2311-2386 (2006).	
				8. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97(7) Virginia	

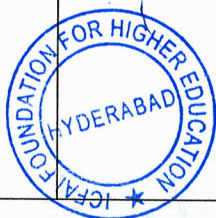


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				<p>Law Review 1685-1726 (November 2011).</p> <p>9. David Staruss, "Do we Have a Living Constitution" 59 (4) Drake Law Review 973-984 (2011 Summer)</p> <p>10. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases 1-13 (2012 September)</p> <p>11. Ishwara Bhat, "Why and how Federalism</p>	
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				<p>matters in Elimination of Disparities and Promotion of Equal Opportunities for Positive Rights”, 54(3)</p> <p>Journal of the Indian Law Institute 324-363 (July-Sept 2012).</p> <p>12. Jessica Bulman, “Federalism as a safeguard of the Separation of Powers”, 112(3) Columbia Law Review 459-506 (2012 April)</p> <p>13. Jonathan Siegel, “Institutional case for Judicial Review”</p>		
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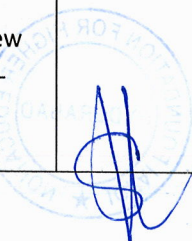


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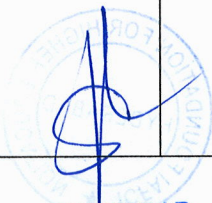
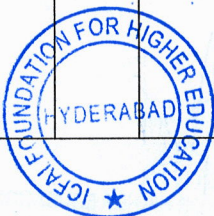
				<p>97(4) Iowa Law Review 1147- 1200 (2012 May).</p> <p>14. K.K. Venugop al, "Separat ion of Power and the Supreme Court of India", Vol. 2 No. 2 Journal of Law and Social Policy 64-82 (July 2008).</p> <p>15. Linda Bosniak, "Persons and Citizens in Constitu tional Thought " 8 (1) Internati onal Journal of Constitu tional Law 9- 29 (January</p>		
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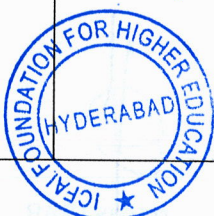
				2010). 16. Mark Tushnet, "The Possibilit ies of Compar ative Constitu tional Law", 108 Yale L.J. 1225 (1999). 17. Nathan Chapma n, "Due Process as Separati on of Powers", 121(7) Yale Law Journal 1672- 1807 (2012 May). 18. Quinn Rosenkr anz, "Subject s of the Constitu tion" 62 (5) Stanford Law Review 1209- 1292 (May		
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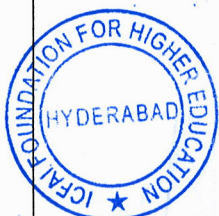
				<p>2010)</p> <p>19. Rajvir Sharma, "Judicial y as Change Agent: Some insights into the Changin g role of Judiciary in India", 58(2) Indian Journal of Public Administ ration 264-286 (2012 April- June).</p> <p>20. Rebecca Brown, "Assiste d Living for the Constitu tion" 59 (4) Drake Law Review 985- 1000 (2011 Summer).</p> <p>21. Schapiro , "Judicial Federalis</p>		
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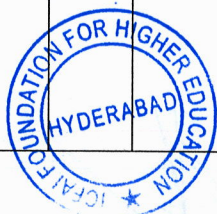
				<p>m and the Challenges of State Constitutional Contestation", 115(4) Penn State Law Review</p> <p>983-1006 (2011 Spring).</p> <p>22. Tom Ginsburg, Eric Posner, "Substitutionals m" 62 (6) Stanford Law Review 1583-1628 (June 2010).</p> <p>23. The Concept of A Constitution and Constitutional Law and Its Relationship with Statehood,</p>	
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				<p>Territoriality and Citizenship, by Subhash Chandra Singh – EBH Publishers</p> <p>24. British Constitution: Contrast with the Constitution of USA and India by Sujata Bhattacharya – EBH Publishers</p> <p>25. Amendment of The Constitution by Jai S Singh – EBH Publishers</p> <p>26. Prevention of Loss or Decline of Vernacular and Indigenus</p>	
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				<p>Languages in the Indian sub-continent: a Comparative Analysis of Laws and Policies in the context of Globalization, Language Right Education and the Reality of Linguistic Diversity by P Ishwara Bhat – EBH Publishers</p> <p>27. Limited Government, Judicial Review and Judicial Activism by Jayadev Pati, EBH Publishers</p>		
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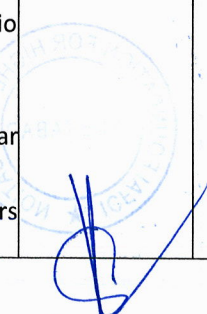
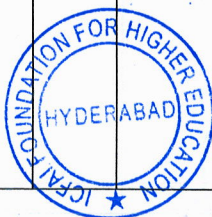


				<p>28. Limited Government, Judicial Review and Judicial Activism by R D Dubey – EBH Publishers</p> <p>29. Supreme Court: Law Declared And Complete Justice – Constitutional Boundaries by Y F Jaya Kumar, EBH Publishers</p> <p>30. Judiciary , Public Interest Litigation, Locus Standi and the Nature of Judicial Power by Manohar Kalita – EBH</p>		
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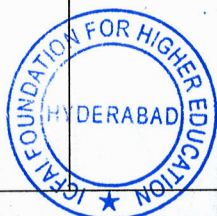


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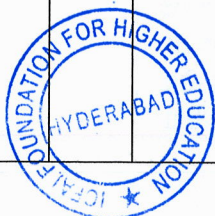
				Publishers		
12	Comparative Administrative Law	Concept, Doctrines – Natural Justice, Reasonable Expectation, Reasonableness, Transparency and Accountability; Administrative discretion – Ombudsman - Administrative Tribunal - Administrative Liability – Delegated Legislation	1.Global Administrative Law in Global World: An Overview of Emerging Public Law by Mithilesh Narayan Bhatt – EBH Publishers 2. Open Government and Accountability Under RTI Regim – Mrinalini Kharshiin g – EBH Publishers 3.Governance Through Public Law and Constitutional Dimenstions by Subir Bhatnagar – EBH Publishers	Global Administrative Law https://www.youtube.com/watch?v=yosmR1TvGLE A Comparative Administrative Law Study https://www.dailymotion.com	Student come to know the aspects of comparative administrative law present in United Kingdom, United States of America, Scandinavian Countries and India	



				<p>4. Independence of the Judiciary in India and England – Transparency of Appointment and Accountability of Judges by Tushar Kanti Saha – EBH Publishers</p> <p>5. Human Rights and Good Governance by Manoj Kr. Sinha, EBH Publishers</p>		
12	Comparative Criminal law	<p>Concept and essentials of Crime - Principles of Criminal Liability - Criminal Justice - Fair Trial - International Criminal Justice (Genocide, Crime against Humanity) – International Court of Justice - International Criminal Court (Rome Statute) – Hybrid Courts, Juvenile Justice, White Collar Crimes, Homicide, Violence against Women (VAW)</p>	<p>1. General Principles of Criminal Law Hall, Jerome: (1960), 2nd Ed.</p> <p>2. Russell: On Crime. J. W. Cecil Turner 1 2th Ed. Vol. I Sweet & Maxwell</p>	<p>Introduction to Comparative Criminal Justice Systems https://www.youtube.com/watch?v=g947B4vzJN8</p> <p>Comparative Criminal Justice: An Institutional Approach https://www.youtube.com/watch?v=qegKrbDren</p>	<p>Students understand the concept and essentials of crime, International Criminal Justice Systems and its administration in comparison with India.</p>	



				Ltd 3. Kenny's: Outlines of Criminal Law J.W. Cecil Turner1 9th Ed. Cambrid ge Universi ty Press	<u>U</u>	
	10	Comparative Corporate Law	Origin and development of corporate law in US, UK, France – Influence on India and China – Development with economic and social Globalization – Principles of Corporation law – Liability of Corporations	1.Comparative Corporate Law: United States, European Union, China and Japan LC Backer (ed) Carolina Academic Press, 2002 2.Comparative Public Law from above and below Methodical Perspectives in The Globalized World		Students able to know the presence of corporate law system in the United Kingdom, United States of America, France, China and India.



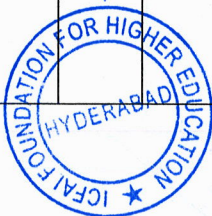
				<p>by TSN Shastry - EBH Publishe rs</p> <p>3.Use of Compar ative Method for Internati onalizati on of Indian Laws by Dugambi ni Patel - EBH Publishe rs</p> <p>4.The Psycholog y of Corporate Dishonest y by Kath Hall – IUP Law Review</p> <p>5. Rethinkin g Theories of Corporate Liability in Criminal Law: Pushing the Legislativ e Envelope – A Comparis on of Canadian, American and</p>	
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				<p>English Developments by Mariam Maisonville – IUP Law Review</p> <p>6. The Changing Atmospherics of Corporate Crime</p>		
				<p>Sentencing in the Post Sarbanes-Oxley Act Era by Peter J. Henning IUP Law Review</p> <p>7. Imagining How a Company Thinks: What is Corporate Culture? By Alice Belcher IUP Law Review</p> <p>8. In Enron's Wake: Corporate Executives on Trial by Kathleen F Brickey IUP Law</p>		



				Review 9. Stone V Ritter and the Expanding Duty of Loyalty by Claire A Hill and Brett by H Mc Donnell		
	5	Guest Lectures	Comparative Public Law Comparative Constitution Comparative Administrative Law Comparative Criminal Law Comparative Corporate Law			
Total	60					

Case Laws

1. Marbury v. Madison 5 US 137 (1803)
2. Raja Ram Pal v. Hon'ble Speaker, Lok Sabha, AIR 2007 SC 1448
3. Kesavananda Bharati v. State of Kerala AIR 1973 SC 1461
4. National Legal Services Authority v. Union of India AIR 2014 SC 1863
5. Rameshwar Prasad v. Union of India (2006) 2 SCC 1
6. Medical and Educational Charitable Trust v. State of Tamil Nadu (1996) 3 SCC 15
- 7.. Prem Chand v. Executive Commissioner AIR 1963 SC 996
23. Hinch Lal Tiwari v. Kamala Devi (2001) 6 SCC 496
24. Panama Refinery Company v. Ryan (1935) 293 U.S. (400)
25. S.P. Gupta v. President AIR 1982 SC 149

Video Lessons

1. Constitutions and constitutionalism (Law) ePathshala: <https://www.youtube.com/watch?v=Rk-RpqBXLDQ>
- 2.. Comparative Constitution & Preamble
<https://www.youtube.com/watch?v=im-A26Eha40>
- 3.. Constitutional design: separation of powers (Law) <https://www.youtube.com/watch?v=58o45McFJRQ>


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- 4.. Global Administrative Law : <https://www.youtube.com/watch?v=yosmR1TvGIE>
5. A Comparative Administrative Law Study: <https://www.dailymotion.com>

Expectations from Students:

- ssss. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- tttt. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- uuuu. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- vvvv. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- wwww. Evaluation is a continuous process at ICAFI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- xxxx. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- yyyy. The Students should come in uniform, otherwise they will be marked absent. Do not roam in the academic area/ attend classes in chappals / shorts / informal t-shirts.
- zzzz. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- aaaa. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- bbbb. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.

Honour Code:

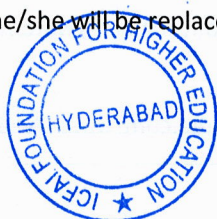
Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline



- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Brief profile of the Faculty Member

Dr. S V Damodar Reddy is having fourteen years of full time teaching experience with qualified PhD. in (Intellectual Property Laws), UGC-NET and UGC-AP-SET, LL.M, MBA, PG Diploma in Intellectual Property Rights., PG Diploma in Computer Applications., GC in Intellectual Property Rights from WIPO, Geneva, Switzerland. Published a book entitled "Intellectual Property Rights Laws and Practice", and the Research fields include Intellectual Property Laws, Land Laws and Real Estate Laws beside others. Presented papers in International and National Seminars, written articles, acted as resource person for the Judicial Officers, Assistant Public Prosecutors coaching and for many other organizations. Recorded Video lessons on the subjects Land Laws, Interpretation of Statutes, Drafting, Pleading and Conveyancing for Educational and Multimedia Research Center (EMMRC).




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Paper –III Law and Justice in a Globalizing World

Objectives:

The paper aims to provide an understanding about the nature of law and justice in the changed global scenario; develop critical thinking among students regarding nature of law and justice and examine the relevance of Theories of Law and Justice in the contemporary Globalised World.

UNIT I Introduction

Globalization – Meaning and Significance – Social, Economic and Political dimensions of Globalization – Emergence of Transnational Law in a Globalizing World – Global Rule of Law

UNIT II Nature of Law

Meaning and Concept; Theories of law: Natural Law Philosophy – Positivism – Historical, Economic and Sociological approaches to Law

UNIT III Concept of Justice

Justice – Meaning and Nature; Theories of Justice: Metaphysical Idealism – Theological Interpretation – Social Contract and Natural Rights Theory – Individualist Utilitarianism – Social Utilitarianism – Social Good Theory – Economic Theory – Justice as Fairness; Contemporary Ideas of Justice

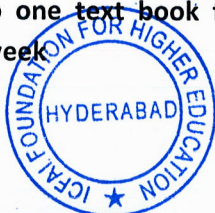
UNIT IV Globalization, Rule of Law and Constitutional Governance

Impact of Globalization on Sovereignty of States and Democratic law making – Globalization and Human Rights – Impact on Welfare State, Natural Resources and Environment – Globalization and Free Market – Impact of Globalization on Trade Law – Impact of Globalization on Judicial Process and Administration of Justice

UNIT V Global justice

Concept and Meaning; Theoretical Propositions of Global Justice – Realism, Particularism, Nationalism and Cosmopolitanism; Issues Impacting Global Justice – Poverty, Armed conflict, Practice of Nationalism, Crimes against Humanity, Terrorism, Global Politics; Role of International Organisations/Institutions

Books: There is no one text book for the course. A detailed reading list will be provided to students week by week.



1. Modern Jurisprudence: A Philosophical Guide by Sean Coyle (First Edn) (Hart Publishing, Oxford)
2. Deconstruction and the Possibility of Justice By Drucilla Cornell, Michel Rosenfeld, Benjamin N. Cardozo School of Law
3. The Idea of Justice By Amartya Sen
4. Development as Freedom By Amartya Sen
5. Globalisation and Legal Theory by William Twining (Cambridge University Press)
6. Encyclopedia of Global Justice by Deen K. Chatterjee (Springer Science & Business Media)
7. Global Justice: The Politics of War Crimes Trials by Kingsley Chiedu Moghalu (Greenwood Publishing Group)
8. Real World Justice: Grounds, Principles, Human Rights, and Social Institutions, A. Follesdal, T. Pogge (Springer Science & Business Media)
9. Frontiers of Justice: Disability, Nationality, Species Membership by Martha C. NUSSBAUM (Harvard University Press)
10. The Law of Peoples: With, The Idea of Public Reason Revisited by John Rawls (Harvard University Press)
11. Global Justice Reform: A Comparative Methodology by Hiram Chodosh NYU Press, 01-Jan-2005
12. Law in a Changing Society by W. Friedmann
13. Legal Theory by W. Friedmann




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Tax Policy — Foundation of Taxation — Tax Planning

Objectives: This course helps the students to understand the need for the effective and efficient tax policy and foundations upon which the tax structure, tax administration and compliances are constructed. It also provides inputs for planning of tax in direct and indirect taxes with special reference to the tax planning for businesses.

Unit I: Tax Policy: Concepts and Distinctive Features: Economic development and Government policies — Revenue and Expenditure — Sources of Income to the Government -Fiscal and Monetary policies — Fiscal policy of the government —Elements of Fiscal policies —Evolution of Fiscal policies and Economic Reforms — Taxation as a tool of Fiscal Policy —Need for effective and efficient Tax policies- Tax policy: Nature and Characteristic features-Need for reforms in taxation- Principles of good tax policy — Challenges in framing the tax policies — Budgets - Annual Finance Act - Harmonization of tax regime.

Unit II: Foundation of Taxation — I: Evolution of Tax and tax systems in pre-and post-independence India - Distinction between Tax, Duty, Fee, Levy, Fine, Cess, Excess, Imposition - Constitutional aspect of Taxation (Articles 265 to 289) - Distribution of Taxing Powers between the Centre and State — Constitutional Provisions relating to Levy of Tax —Restrictions on the Power of State Legislatures on fiscal powers - Residuary taxes — Role of Finance Commission - Doctrine of Immunity of Instrumentalities.

Unit III: Foundation of Taxation — II: Classification of taxes and Tax Administration – Tax administration structure - Tax Authorities — Regulation of black money and money laundering - Notifications and Directions — Impact of court rulings on tax laws – Legislative amendments — Tax Practice and Profession.

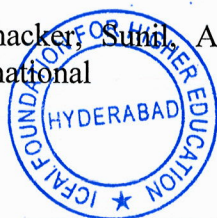
Unit IV: Tax Planning: Concept and Objective of Tax Planning - Tax Planning, Tax Avoidance and Tax Evasion - Importance of Tax Planning- Difference between tax Planning, Tax Avoidance and Tax Evasion - Essentials of Tax Planning - Tax Planning and Tax Management - Tax Planning Relating to Financial Management Decisions - Organization of Tax Planning Cells.

Unit V: Tax Planning in Direct Taxes: Tax Planning and Income-Tax Act, 1961 - Form of the Organization - Nature of Business -Some General Considerations Regarding New Business - Setting up and Commencement of Business vis-a-vis Tax Planning - Tax Planning Relating to Corporate Restructuring and Reverse Merger — Slump Sale — Transfer of assets between holding and subsidiary companies - Tax Planning Relating to Non-Residents – Tax Planning for Indian Collaborators - Tax Planning for Employees.

Unit VI: Tax Planning in Indirect Taxes: Introduction to tax planning in Indirect Taxes — Steps involved in tax planning under GST — Tax Planning: Transitional provisions, speedy collections - tax planning under various classes of goods and services — tax planning in case of composite supply and mixed supply — tax planning in imports and exports — tax planning in customs duty collections and payments.

Suggested Readings:

1. Roy Rohatagi, Basic International Taxation, Vol I&II Taxman Publication
2. Thacker, Sumit, A Study of the Indian Tax System, Part I & H, 2008, Tax Note International



General Taxation, Direct Taxation

Objectives: The Objective of this course is to enlighten the students with the classification of taxes, evolution of income tax, important concepts and provisions of the Income Tax Act 1961, authorities under the Act, dispute settlements machinery, recovery, refund and compliances under the Income Tax Act 1961.

Unit I: Introduction to Tax: Constitutional Foundation of Tax — Distribution of income and taxes - Economic policy and Financial Act - Classification of Taxes — Direct and Indirect Taxes - Administration of Taxes in India — methods of accounting — types of accounting methods — tax rates -

Unit I: Direct Taxes and Income Tax: Income Tax Act, 1961 — Outlines of Income Tax law — Basic concepts: Income, person, assessee, financial year, previous year — assessment year, residential status, total income, taxable income, capital receipts and revenue receipts — agriculture income - Incomes which do not form part of Total Income Heads of income taxes.

Unit III: Income from Salaries and Allowances: Income from salaries and allowances — forms of salaries and allowances - house rent allowances - fringe benefits - rebates - exemptions and deductions - computation of income tax.

Unit IV: Income from Profession and Business: Income from profession and business — basic principles of business income — general deductions and exemptions — computation of income from business and profession — valuation of stocks and depreciations — repairs, insurance — investment allowances - investment linked tax incentives — amortization of preliminary expenses — transfer of immovable properties.

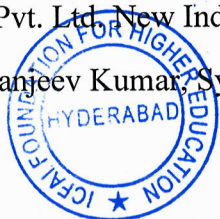
Unit V: Income from House Property and Capital Gains: Income from agriculture and house property — self-occupied property — income from let out property — computation of self-occupied property — exemptions and deductions — unrealized rents — meaning and nature of capital gains — basis of charge - short term and long-term capital gains - exemptions and deductions - computation and assessment of capital gains transfer of assets -

Unit VI: Income from Other Sources: Income from other sources — basis of charge — dividend — income from composite letting of building and machinery — receipts with consideration - winnings and lotteries etc — deductions and exemptions -

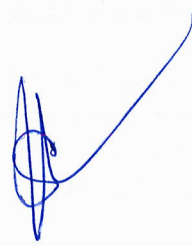
Unit VII: Assessment and Litigation and Authorities: Tax deduction at source - tax collection at source - Computation of total income — Deductions from Gross total income - Assessment of tax liability - PAN and on line filing of returns — assessment, reassessment - Set off and carry forward of tax liabilities - clubbing of incomes - rectification of errors — income declaration schemes.

Suggested Readings:

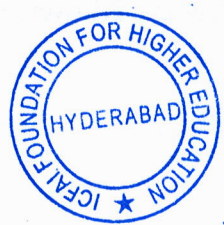
1. Dr. Vinod K. Singhania and Dr. Monica Singhania, Student Guide to Income Tax, Taxman Publications Pvt. Ltd.
2. LK Mittal, Law, Practice and Procedure of Service Tax, CCH India, (Walters Kluwer. (India) Pvt. Ltd. New India.
3. Dr. Sanjeev Kumar, Systemic Approach to Indirect Taxes, Bharat Law House.



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Indirect Taxes and GST

Unit I: Constitutional Provisions and GST: Indirect Tax Structure in India — Reforms in the Indirect Tax System - The Background of the GST Act — The Constitution (One Hundred and First Amendment) Act 2016 — The Goods and Services Act 2017- Salient Features: SGST, CGST, IGST and UGST — GST Council and GSTN

Unit II: GST Taxable Event: Definition of Goods and Services ~ Interstate and Intrastate Supply of Goods and Services- Classification of Goods and Supply - Supply of Goods and Services — Value of Taxable supply — Place, Time and Value of Supply of Goods and Services — Taxable persons - Exemptions from GST - Meaning of Revenue Neutral Rate (RNR) — Factors Effecting the Determination of Revenue Neutral Rate - Meaning and concept of input tax credit - Reverse Charge — Tax Invoice, credit and debit notes .

Unit III: Registration, Assessments and Accounts: Registration — Migration of existing taxpayers — Transitional provisions - Accounts and Records — Assessments: self-assessments, provisional assessments, assessment of unregistered persons, summary registered — Payment tax: tax deduction at source, Collection of tax at sources, payment of interest on delayed payments — Audit- demand and recovery.

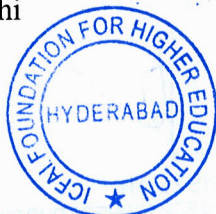
Unit IV: Appeals, Offences and Penalties: Disputes in payment of taxes — Burden of proof - special procedures - compliances — Appeals — Appellate Authority ~ Appellate Tribunals — Supreme Court — Appeal to Supreme Court - Advance ruling — Offences and penalties.

Unit V: Integrated Goods and Services Tax Act 2017: Meaning and concept of the IGST — Levy and collection of tax — determination of nature of supply — place of supply of goods or services or both — refund of tax — zero rated supply — appointment of tax and settlement of funds — Important provisions of Goods and Services tax (Compensation to States) Act 2017

Unit VI: Customs Law and Practice: Introduction to customs duty — Types of customs duties — Classification of duties — Principles of Classifications — valuation of goods for customs duty — Administration of customs duty: imports and exports - Duty Draw Back - Foreign Trade Policy

Suggested Readings:

1. Dr. Sanjeev Kumar, Systemic Approach to Indirect Taxes, Bharat Law House.
2. V. Balachandran, Indirect Taxation, Sultan Chand Publications
3. Taxmann, Taxmann Publications (P) Ltd New Delhi
4. CA Atul Kumar Gupta, GST Concept & Roadmap, LexisNexis
5. VS Datey, GST Ready Reckoner, Taxman Publications
6. V S Datey: 'Customs Law, Practice and Procedures', 18" Edition, Taxmanns Publications, New Delhi



Corporate Taxation

Objectives: The course is aimed to provide in puts relating the principles of taxation, application of principles of taxation to the companies and their business. It provides the understanding of tax liability of the corporates on various fronts such as direct taxes and indirect taxes. It also enlightens the students the tax administration and compliances.

Unit I: Introduction to Corporate Taxation: Introduction to Corporate Taxation — Important provisions of Income-tax Act, 1961- Taxation of Companies: Concepts and Definitions: Domestic Company & Foreign Company - Resulting Company - Previous Year Assessment Year - Principal Officer - Charge of Income-Tax - Total income of a company

Unit II: Taxation of Companies: Classification of Income in the Case of a Company - Concepts and Definitions: Amalgamation - Demerger - Infrastructure Capital Company - Interest on securities - 'Profit?' - 'Business' - 'Manufacture' - Deemed Profits – Subsidy Received - Income from Property Held for Charitable or Religious Purpose -Capital Assets Owned -Income Chargeable: incomes not Includible in Total Income; Definitions of Certain Terms Relevant to Computation of Income;

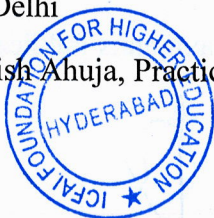
Unit III: Allowances and Deductions: Rent, Rates, Taxes, Repairs and Insurance for Buildings - Repairs and Insurance of Machinery, Plant and Furniture - Allowances for Depreciation - Expenses not Deductible; Special Provisions Relating to Deductions from Total Income; Bad Debt Allowed as Deduction - Carry Forward and Set Off of Business Losses - Deductions from Gross Total Income - Deductions in Respect of Certain Payments from Gross Total Income.

Unit IV: Computation of Business Profits: Provisions Specific to Banks, Financial and Non-Banking Financial Companies - Income Derived Partly From Agriculture and Partly From Business - Expenses Incurred in Relation to Incomes which are Not Includible in Total Income - Expenses which are Capital in Nature - Deductions in Respect of Profits and Gains Included in Gross Total Income - Deduction in Respect of Employment of New Workmen.

Unit V: Income from Capital Gains House Property, Other Sources and Unexplained Sources: Chargeability of Capital Gains -Taxation of Capital Gains -Income from House Property-. Set Off and Carry Forward and Set Off of Losses -Income from Other Sources-Unexplained Credits, Investments and Expenditure- Tax on Income of Certain Domestic Companies; Minimum Alternate Tax —.Double Taxation — offences and penalties – tax avoidance and tax evasion.

Suggested Readings:

1. VK Singhania, Student Guide to Income Tax, Taxmann 2015
2. Girish Ahuja, Systematic Approach to Income Tax and Central Tax, Bharath Law House, New Delhi
3. Girish Ahuja, Practical Approach to Income Tax, Bharath Law House 2017



Tax Litigations: Procedure and Practices

Objectives:

This course is aimed to provide information on the fundamentals of tax assessments, various authorities under the direct and indirect tax regime, disputes arising out of tax transactions, filing of cases, appeals, constitution of tribunals, evidences and admissions, landmark rulings, burden of proof under the tax cases, chief and cross examinations and other related procedures.

Unit I: Tax Litigations and Settlements: Nature of disputes in taxes - sources of disputes - Submission of returns and assessments — verification of books and accounts - demand of taxes, duties and interest- Recovery of dues - refunds and claims - Tax disputes: civil and criminal nature — settlement of disputes through negotiations and use of internal dispute settlement machinery

Unit II: Introduction to Tax Disputes under Income Tax Act 1961: Nature of disputes in income tax payments — issues relating to assessment and filing of income tax returns — notices of demand and recovery of tax dues and interest- Evidence under Income Tax Act 1961- inspections and verification of books of accounts — disputes, in tax assessment and payments — tax authorities and adjudications - offences and penalties — departmental enquiries and dispute resolution — enforcement of powers.

Unit III: Introduction to Disputes under Indirect Tax Regime: Customs Law: disputes relating to assessments — departmental adjudication -Adjudication authorities — enforcement powers of revenue officers — inspection, investigation, confiscation of goods - power of seizure and arrest — offences, penalties and trials - departmental appeals. GST: Disputes relating to assessments, classification of goods and transition provisions — departmental adjudication and authorities — inspection, search, seizure and arrest — appeal and revision and departmental authorities — offences and penalties — confiscation of goods — compounding of offences -

Unit IV: Tax Litigations and Procedure: Applicability CPC to the Tax Litigations — Summons, Search, Notices and Survey: Income Tax, Customs Act, GST etc. — Issue of Commissions -Examinations: Chief and Cross — Admissions and Estoppel — Burden of Proof – Digital Evidence — Principles of Natural Justice - Evidences, Electronic Documents and GST — Offences and Penalties.

Unit V: Court Litigation: Appeals and Revisions: Customs Law: Appeals to Tribunals and Courts - Court Reviews and Revisions. GST: Appeals to Tribunals and Courts. Income Tax: Appeals to Tribunals and Courts.

Suggested Readings:

1. GC Das, Evidence in Income Tax, Pegasus India publishers, 2015, Hyderabad,
2. OP Yadav, Master Guide to Corporate Taxation, 2017, Lexis Nexis, Gurgaon,
3. CA Atul Kumar Gupta, GST: Concept and Roadmap, Lexis Nexis, 2016



International Taxation and Transfer Pricing

Objectives: This course enables the student to understand various concepts associated with the international taxation including the double taxation, double taxation avoidance agreements and treaties, transfer pricing, arm length principles, tax liability based on residence and sources of income, charging and collection of taxes.

Unit I: Introduction to International Taxation: Evolution of International tax Laws — Conventions for administrative assistance in administration of taxes - Regional agreements for cooperation on tax administration ~ The European Convention on Human rights and taxation- The International Convention on Civil and Political Rights and Taxation – Model convention of OECD — GATT and GATS on cross border taxation - tax evasion and avoidance

Unit II: Principles of International Taxation: sources of international taxes — state practices in taxation - Cross border enforcement of taxation — Principles of international taxations - issues of qualifications and international taxation - double taxation — double taxation avoidable agreements - Taxes and Tax systems — Tax jurisdictions and its limitations.

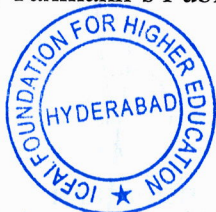
Unit III: Incidence of International Taxation: Sources of taxation — citizenship and residential status — tax issues arising out of change of citizenship or residence — sources of income and taxation — recognition of foreign entities — Tax equity and tax neutrality – Foreign Income & Foreign tax payers

Unit IV: Transfer Pricing: Meaning and nature of Transfer Pricing — Importance of transfer pricing in taxation — Transfer pricing provisions : Domestic and International transactions — Transfer pricing provisions in India - Arm Length principle — Methods of transfer pricing — Resale Method, cost plus method , profit split method, transactional net margin method - Functions, assets and Risks analysis — documentation under transfer pricing — dispute resolution and appeals - Advance pricing agreement — transfer pricing documents – penalties for contraventions

Unit V: Double Taxation: Concept of double taxation — capital export and import neutrality — methods of avoiding double taxation ~ interpretation of tax treaties — scope of tax treaties — elimination of double taxation — agreement — history and economic jurisdiction.

Suggested Readings:

1. Van Raad K Materials on International and EU Tax Law, Vol 1, Leiden International Tax Centre.
2. Holmes K, International Tax Policy and Double Taxation Treaties, IBFD 2007
3. Miller A and Oats L, Principles of International Taxation, 3 ed, 2012, Bloomsbury Professionals |
4. Nilesh Patel, Domestic Transfer Pricing, Legal Analysis, Practical Solutions and procedural Guidance, Taxmann's Publications New Delhi.



LLM in Alternative Dispute Resolution

About the Program: The program is a blend of theoretical and practical learning provides wider horizons of corporate and commercial laws. Students joining the program shall have the unique experience of innovative teaching methods comparable to that of best academic institutions of the country.

Semester -1 Papers with Course Codes

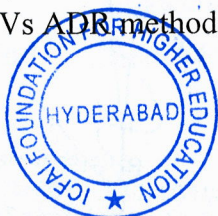
Sl. No.	Code	Title of the Paper
1.	ML311	Research Methods and Legal Writing
2.	ML312	Comparative Public Law
3.	ML313	Law and Justice in Globalizing World
4.	ML314	Arbitration and Conciliation Act 1986
5.	ML 315	ADR Methods : Conceptual Understanding

Semester – II Papers with Course Codes

Sl. No.	Course code	Title of the Paper
1.	ML	Negotiation and Mediation Techniques
2.	ML	Family Dispute Resolutions
3.	ML	International Commercial Arbitration
4.	ML	Online Dispute Resolutions
		Dissertation

Non Credit Courses :

ADR – International Agencies,
Enforcement of Foreign Judgements,
Litigation Vs ADR methods.



Paper – I Research Methods and Legal Writing

Objectives:

The course helps the students to learn various methods of conducting research in legal studies including the collection, analysis and organization of data and recording of findings for report writing. It will help to acquaint with the scientific method of social science research and to develop the skills of legal writing. The students are expected to acquire the knowledge and skills of investigations, interpretation of primary and secondary data in socio-legal research.

UNIT I: Introduction to Legal Research and Writing

Meaning, scope and objectives of legal research – Significance and limitations of scientific methodology with reference to socio-legal research – Importance of legal research in common law and civil law systems – Classification of legal research – Doctrinal and Non-doctrinal – merits and demerits (evaluative, explicative, identificatory, projective, collative, impact analysis and interpretative) – Legal writing- meaning and scope.

UNIT II: Research Design and Methods

Meaning – Formulation of research design – objective and purpose of study – selection of research problem and developing a research plan (Exploration, Description, Diagnosis, Experimentation) – Research design – Basic Principles – Need of research design – Features of good design – Important concepts relating to research design – Observation and Facts, Laws and Theories, Prediction and explanation, Induction, Deduction, Development of Models. Hypothesis – meaning, scope, classification, formulation of hypothesis – literature survey – use of information technology for collection of material (word processing, data processing, graphical processing, use of excel).

UNIT III: Research Sources and Techniques

Sources of Data – Primary and Secondary Data – Sampling – different types – Determining experimental and sample designs – sampling methods – survey and case study method – scaling techniques and content analysis.

UNIT IV: Research Tools and Data Processing

Methods of data collection – Observation and collection of data – interview and schedule – questionnaire – socio-metric and jurimetrics – Data processing and Analysis strategies (deduction and induction) – Data Analysis with Statistical Packages – Hypothesis-testing – Generalization and Interpretation.

UNIT V: Legal Writing

Significance of legal writing – essentials of legal writing – legal drafting rules – citation methodology – book review and case comments – application of maxims and doctrines – Different steps in the preparation – Layout, structure and language of typical reports – Illustrations and tables – Bibliography, referencing and footnotes – Report writing – plagiarism and copyright issues.

Books:

1. Research Methodology by Wilkinson & Bhandarkar
2. Researching and Writing in Law by Terry Hutchinson, 3rd Edition



3. Concise Book on Legal Research by Robert Watt
 4. Legal Research and Methodology, S K Verma & M Afzal Wani (eds), (Indian Law Institute, New Delhi, 2nd ed., 2001).
 5. Decision Making in the Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research by Vijay K. Gupta, (Delhi: Kaveri Books, 1995).
 6. Qualitative Research Methods for the Social Sciences, by Bruce L. Berg (London: Allyn and Bacon, 2001).
 7. Legal Research Methodology, Rattan Singh (2013) Lexis Nexis
26. Research Methods for Law by Wing Hong Chui (Edinburgh University Press, 2007)




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Paper – II Comparative Public Law

Objectives:

The course helps the student familiarize with the basic concepts of Public Law, knowledge and understanding about the Constitution and its relationship with State and citizen. It also helps in understanding the Comparative and Contemporary Perspective of Governments and Public Law in various Democracies like England, USA and France and also to study principles of criminal liability and the concept of international criminal justice and measures to adopt and maintain peace in the society. It seeks to trace out the evolution of Corporate Law in the wake of Globalization.

UNIT I Introduction

Public law – meaning, concept and definition – distinguish public and private law – Public law in comparative perspective – Contemporary Issues – Employment, Aging Population, Cyber Security, Urbanization, Social Security, Human Rights and Legal Aid

UNIT II Comparative Constitutional Law

Concept of the Constitution – Elements of Constitutionalism – Constitution as Supreme/Higher Law – Rule of law – Bill of Rights – Separation of Powers – Judicial Review - Independence of Judiciary – Constitutional Remedies – Amendment of the Constitution – Impact of Globalization on Constitutionalism

UNIT III Comparative Administrative Law

Classification of Administrative action – Administrative Discretion – Principles of natural Justice – Ombudsman – Administrative Liability – Transparency and Accountability

UNIT IV Comparative Criminal law

Concept and essentials of Crime – Principles of Criminal Liability – Criminal Justice – Fair Trial – International Criminal Justice (Genocide, Crime against Humanity) – International Court of Justice – International Criminal Court (Rome Statute) – Hybrid Courts, Juvenile Justice, White Collar Crimes, Homicide, Violence against Women (VAW)

UNIT V Comparative Corporate Law




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Origin and development of corporate law in UK, US and France – Influence on India and China – Development with economic and social Globalization – Principles of Corporation law – Liability of Corporations – Corporate Governance and Social Responsibility

Books: There is no one text book for the course. A detailed reading list will be provided to students week by week

1. A Text book on Jurisprudence by Paton
2. Hall, Jerome: General Principles of Criminal Law (1960), 2nd Ed.
3. Kenny's: Outlines of Criminal Law, 19th Ed.
4. Russell: On Crime, 12th Ed. Vol. I
5. An Introduction to Comparative Law Theory and Method BY Geoffrey Samuel, First Edition (EUROPEAN ACADEMY OF LEGAL THEORY SERIES) (HART PUBLISHING, OXFORD)
6. Critical Legal Perspectives on Global Governance by Liber Amicorum David M Trubek First Edition Edited by: Gráinne de Búrca, Claire Kilpatrick, Joanne Scott (HART PUBLISHING, OXFORD)
7. International Investment Law and Comparative Public Law: An Introduction, Stephan W. Schill, Oxford University Press, 2010,
- 8.. Comparative Constitutional Law (Research Handbooks in Comparative Law series) Edited by Tom Ginsburg & Rosalind Dixon (Edward Elgar Publishing)
27. De Smith's Judicial Review, 7th Ed. (Sweet & Maxwell)
28. LC Backer (ed) Comparative Corporate Law: United States, European Union, China and Japan (Carolina Academic Press, 2002)




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Paper –III Law and Justice in a Globalizing World

Objectives:

The paper aims to provide an understanding about the nature of law and justice in the changed global scenario; develop critical thinking among students regarding nature of law and justice and examine the relevance of Theories of Law and Justice in the contemporary Globalized World.

UNIT I Introduction

Globalization – Meaning and Significance – Social, Economic and Political dimensions of Globalization – Emergence of Transnational Law in a Globalizing World – Global Rule of Law

UNIT II Nature of Law

Meaning and Concept; Theories of law: Natural Law Philosophy – Positivism – Historical, Economic and Sociological approaches to Law

UNIT III Concept of Justice

Justice – Meaning and Nature; Theories of Justice: Metaphysical Idealism – Theological Interpretation – Social Contract and Natural Rights Theory – Individualist Utilitarianism – Social Utilitarianism – Social Good Theory – Economic Theory – Justice as Fairness; Contemporary Ideas of Justice

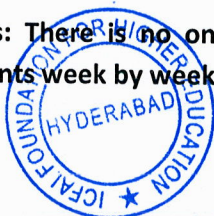
UNIT IV Globalization, Rule of Law and Constitutional Governance

Impact of Globalization on Sovereignty of States and Democratic law making – Globalization and Human Rights – Impact on Welfare State, Natural Resources and Environment – Globalization and Free Market – Impact of Globalization on Trade Law – Impact of Globalization on Judicial Process and Administration of Justice

UNIT V Global justice

Concept and Meaning; Theoretical Propositions of Global Justice – Realism, Particularism, Nationalism and Cosmopolitanism; Issues Impacting Global Justice – Poverty, Armed conflict, Practice of Nationalism, Crimes against Humanity, Terrorism, Global Politics; Role of International Organisations/Institutions

Books: There is no one text book for the course. A detailed reading list will be provided to students week by week



1. Modern Jurisprudence: A Philosophical Guide by Sean Coyle (First Edn) (Hart Publishing, Oxford)
2. Deconstruction and the Possibility of Justice By Drucilla Cornell, Michel Rosenfeld, Benjamin N. Cardozo School of Law
3. The Idea of Justice By Amartya Sen
4. Development as Freedom By Amartya Sen
5. Globalisation and Legal Theory by William Twining (Cambridge University Press)
6. Encyclopedia of Global Justice by Deen K. Chatterjee (Springer Science & Business Media)
7. Global Justice: The Politics of War Crimes Trials by Kingsley Chiedu Moghalu (Greenwood Publishing Group)
8. Real World Justice: Grounds, Principles, Human Rights, and Social Institutions, A. Follesdal, T. Pogge (Springer Science & Business Media)
9. Frontiers of Justice: Disability, Nationality, Species Membership by Martha C. NUSSBAUM (Harvard University Press)

10..The Law of Peoples: With, The Idea of Public Reason Revisited by John Rawls (Harvard University Press)

11.Global Justice Reform: A Comparative Methodology by Hiram Chodosh NYU Press, 01-Jan-2005

12.. Law in a Changing Society by W. Friedmann

13.. Legal Theory by W. Friedmann




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ADR CONCEPTS

Objectives: The Alternative Dispute Resolution mechanism, as the name suggests, evolved against the conventional method of dispute settlement by courts. It is not disputed to state that courts take ample time to settle any dispute. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason ADR is appreciated by many countries around the world. India also became part of this change in the year 1996 when it's enacted the Arbitration and Conciliation Act. The Act is replica of the UNCITRAL Model Law. The objective of the Course is to provide systematic knowledge on the concepts of ADR mechanisms, processes and inculcate the soft skills of dispute mechanism. It also provides holistic knowledge of ADR applications practiced globally.

Course outcomes: The outcome of the course is designed in such a way that it will give the students insightful knowledge about ADR and also relevant concepts in the emerging area. The course is theoretically structured in such a way that at the end students will be able to understand different ADR methods and international practices of ADR. The course is to help the students to understand the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective, just and humane methods.

Unit I: Introduction

Dispute – Meaning and Nature of Disputes – Classification of Disputes: Disputes Relating to Person – Property – Religion – Society – Neighborhood – Access to Justice: Meaning, Nature of Access to Justice – Constitutional Provisions – Fair Access to Justice – Grama Nyaya Panchayat – Dispute Resolution – Formal and Informal – Adjudication and Resolution – Litigation and Settlement: Outside Court Settlements – Settlements through ADR Systems.

Unit II: Alternative Dispute Resolution (ADR)

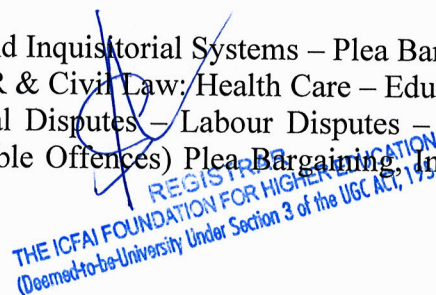
Definition, Nature and Scope of Alternative Dispute Resolution – Evolution of ADR systems: International - The New York Convention, 1958, Economic Commissions for Europe- UNECE and UNECAFE Arbitration Rules – National –ADR under Hindu Dharma Shastra - Islamic Law, Village panchayat - Nyaya Panchayat – Arbitration Act, 1940, Arbitration and Conciliation Act, 1996

Unit III: ADR Mechanisms

Arbitration – Mediation – Conciliation – Negotiation – Other Hybrid forms: Cooperative Problem-Solving- Dispute Panels - Early Neutral Evaluation– Facilitation - Fact-Finding- Interest-Based Problem-Solving - Mediated Arbitration(Med-Arb)Negotiated Rulemaking (Neg-Reg) Settlement Conferences - Ombudsmen–Partnering- Mini-Trials- Summary trials.

Unit IV: Application of ADR

Justice System: Civil and Criminal – Adversarial and Inquisitorial Systems – Plea Bargaining – Restorative Justice System. Sec.89 Of CPC – ADR & Civil Law: Health Care – Education – Motor Accidents – Family Disputes – Commercial Disputes – Labour Disputes – Service Matters etc., ADR in Criminal Laws (Compoundable Offences) Plea Bargaining, Insurance and IPR Matters.



Unit V: ADR Comparative Analysis

ADR Systems in USA, UK, and Australia – UNCITRAL Model – New York Convention – Geneva Convention, 2010 – UNCITRAL Arbitration Rules, 2006 – UNCITRAL Model Law on International Commercial Conciliation – Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958), 2002 – Emerging trends in ADR

Reference Books:

1. Brown and Marriot, Alternative Disputes Resolution – Principles and Practice – 3rd. Edition (2011) Sweet & Maxwell, U.K.
2. O.P. Tiwari ‘The Arbitration and Conciliation Act’ (2nd Edition): Allahabad Law Agency.
3. KSR Murthy ‘An introduction to ADR Mechanism’ Gogia Law Agency, Hyderabad
4. S.D. Singh ‘Alternate Dispute Resolution’ 2001 Edition. Universal Book Traders, New Delhi.
5. Dr. Anupam Kurlwal ‘An Introduction to Alternative Dispute Resolution’ (Central Law Publications) 2015
6. O. P. Malhotra ‘The Law and Practice of Arbitration and Conciliation’ (Lexis Nexis Butterworth) 2013
7. P.C. Rao ‘Alternate Dispute Resolution’ (Istedn) 2005 Universal Book Traders, New Delhi.
8. S.C. Tripathi ‘Arbitration, Conciliation and ADR’ 2014 Central Law Agency, Allahabad.
9. Avatar Singh ‘Arbitration and Conciliation’ 2008 Eastern Law Book House, Lucknow.
10. A Practical Approach to Alternative Dispute Resolution. Stuart Sime, Susan Blake, Julie Browne: Oxford University Press, USA, 2014
11. Alternative Dispute Resolution: A Developing World Perspective. Albert Fiadjoe: Routledge, 2013.
12. Nolan-Haley, Jacqueline M. Alternative dispute resolution. St Paul, Minn : West Group, 2001.
13. P C Markanda, 7th ed. Law relating to arbitration and conciliation: commentary on the arbitration and conciliation act, 1996. New Delhi : LexisNexis Butterworths Wadhwa Nagpur, 2009.
14. O P Malhotra, The law and practice of arbitration and conciliation. 2nd ed. New Delhi : LexisNexis Butterworths, 2006.
15. S K Chawla, Law of Arbitration & Conciliation: Practice and Procedure. 2nd ed. Kolkata : Eastern law House, 2004.
16. Bansal, Ashwinie K. Arbitration: Procedure and Practice. New Delhi : LexisNexis Butterworths Wadhwa, 2009 P.C. Rao & William Sheffield, ed., Alternative



Disputes Resolution- What it is and how it works? (Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2006).

17. Basu. N.D, Law of Arbitration and Conciliation(9th edn., Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2000).

Articles:

1. Mauro Cappelletti, "Alternative Dispute Resolution Processes within the Framework of the World-wide Access-to-Justice Movement" Stanford University, - Modern Law Review, Vol. 56. May 1993
2. SumcctKachwaha, 'Enforcement of Arbitration Awards in India', Asian International Arbitration Journal, 2008, vol.
3. David W. Johnson, Roger T. Johnson, 'Conflict Resolution and Peer Mediation Programs in Elementary and Secondary Schools: A Review of the Research' First Published December 1, 1996 Available at www.sagepublication.com
4. Dennis Otieno Oricho, 'Understanding benefits of alternative dispute resolution (ADR) in the work place mediation' Journal of Law and Conflict Resolution Vol. 2(1), pp. 011-019, January, 2010 Available online at <http://www.academicjournals.org/jlcr>
5. William H. Ross Jr. 'Situational Factors and Alternative Dispute Resolution' First Published August 1, 1988 Available at www.sagepublication.com
6. Thomas J. Stipanowich ADR and the "Vanishing Trial": The Growth and Impact of "Alternative Dispute Resolution" First published: 04 November 2004 Available at Wiley online library.

Video Lectures:

1. <https://www.youtube.com/watch?v=QhqNO9NYLRA>
2. <https://www.youtube.com/watch?v=F3InW2rxBL8>
3. <https://www.youtube.com/watch?v=4X-CDLUfxJA>
4. <https://www.youtube.com/watch?v=2gbupurlrqq>
5. <https://www.youtube.com/watch?v=SPVmZfJTH10>




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Course Hand Out
Academic Year – 2020-21
(Class of)

Course Name: Alternate Dispute Resolution : Concept and Methods

Course Code:

Semester: I

Faculty Name: Dr.K.V.Ravi Kumar

Mobile No: 9440632342

Email: drravikumar@ifheindia.org

Objectives of the Course:

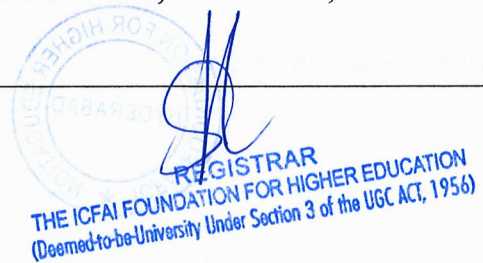
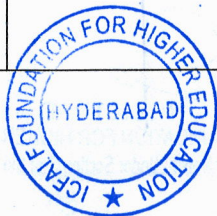
The objective of the Course is to provide systematic knowledge on the concepts of Alternate Dispute Resolution (ADR) mechanisms, processes and inculcate the soft skills of dispute mechanism. It also provides holistic knowledge of ADR applications practiced globally.

Course outcomes:

The course is designed in such a way that it will give the students insightful knowledge about ADR and also relevant concepts in the emerging area. On completion of the course, students will be able to understand the nature of access of justice, different ADR methods, international practices of ADR and the various methods of resolving disputes under ADR system.

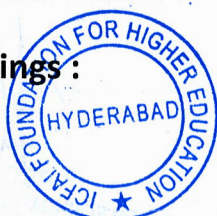
Recommended Text Books and Reference Books

S.No	TEXT BOOK	AUTHOR / PUBLICATION
1.	Alternative Disputes Resolution – Principles and Practice’,	Brown and Marriot, 3rd. Edition (2011) Sweet & Maxwell, U.K.
2.	The Arbitration and Conciliation Act’,	O.P.Tiwari, 2nd Edition, Allahabad Law Agency.



3.	'An introduction to ADR Mechanism'	K.S.R. Murthy, Gogia Law Agency, Hyderabad.
4.	'Alternate Dispute Resolution'	S.D.Singh, Universal Book Traders, New Delhi, 2001
5.	'An Introduction to Alternative Dispute Resolution',	Dr. Anupam Kurlwal, Central Law Publications, 2015.
6.	The Law and Practice of Arbitration and Conciliation'	O.P.Malhotra, Lexis Nexis Butterworths, 2013.
7.	'Alternate Dispute Resolution'	P.C.Rao, Universal Book Traders, New Delhi, 2005.
8.	'Arbitration, Conciliation and ADR'	S.C.Tripathi, Central Law Agency, Allahabad, 2014.
9.	'Arbitration and Conciliation'	Avatar Singh, Eastern Law Book House, Lucknow, 2018.
10.	A Practical Approach to Alternative Dispute Resolution'	Stuart Sime, Susan Blake, Julie Browne, Oxford University Press, USA, 2014.
11.	Alternative Dispute Resolution: A Developing World Perspective',	Albert Fiadjoe, Routledge, 2013.
12.	Alternative Dispute Resolution	Nolan-Haley, Jacqueline M., St Paul, Minn: West Group, 2001.
13.	, 'Law relating to Arbitration and Conciliation: Commentary on the Arbitration and Conciliation Act, 1996'	P C Markanda, 7 th ed., New Delhi: LexisNexis Butterworths Wadhwa Nagpur, 2009.
14.	The Law and Practice of Arbitration and Conciliation'	S K Chawla, 2 nd ed., Kolkata: Eastern Law House, 2004.
15.	Law of Arbitration and Conciliation'	Basu. N.D., 9 th ed., Universal Law Publishing Co. Pvt. Ltd., New Delhi, 2000.
16.	Alternative Dispute Resolution – Negotiation and Mediation	Madabhushi Sridhar, Lexis Nexis, Nagpur, 2011
17.	Alternative Dispute Resolution along with Gram Nyayalaya Act	Sukumar Ray, Eastern Law House, Kolkata, 2012.

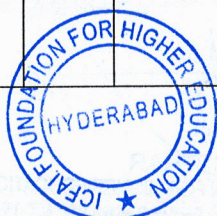
Supplementary Readings :



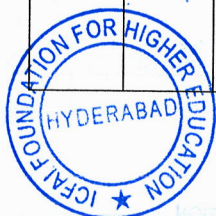
1. Krishna Agarwal, 'Dispensation through the Alternative Dispute Resolution in India' Russian Law Journal, 2014 (2) pp.63-74
2. Anil Kumar Singh, 'ADR Mechanism in India : Achievements and Challenges' Indian Journal of Research, Vol.5 Issue No.8, August, 2016. Pp. 112-114.
3. Dr. Nandakishore Ramteke, 'Challenges before Alternative Dispute Resolution Mechanism in India', Research Review International Journal of Multidisciplinary, Vol. 5 Issue No.2, February, 2020, pp. 1-3
4. Vinay Vaish, 'Alternate Dispute Resolution in India' , Mondaq Journal, December, 2017.
5. Rohit Bafna, Rhia Srivastava, 'Arbitration and ADR in India : Issues and Challenges in International Commercial Arbitration' , SSRN Journal, August, 2012, pp.1-11.
6. Pandey Shiva Ram, 'Alternative Dispute Resolution – A Growing demand of our time' , The Journal of Legal Awareness, Vol.4 Issue No.2, 2009.
7. A Project Report on **Alternative Dispute Resolution in India and the United States: A Comparative Analysis and Recommendations to Improve Efficiency and Effectiveness in Indian ADR** by Malikul S Muhamad.
8. Nosyreva, E. 'Alternative Dispute Resolution in the United States and Russia: A Comparative Evaluation. Annual Survey of International and Comparative Law, 2001, Vol. &L Iss: 1,
9. Prof. Anurag K. Agrawal, **Strengthening 'Lok Adalat' Movement in India**, AIR JL. Section, Vol. I, March 2006, p. 33
10. Komal Audichya, 'Expanding Access to Justice to reach the poor and marginalized communities, Bharati Law Review, Oct-Dec, 2016, pp. 206-215.

Course Outline:

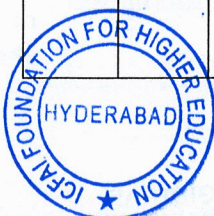
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1.	12	Unit-1: Introduction to Dispute Resolution	Dispute –Meaning and Nature of Disputes – Classification of Disputes: Disputes Relating to Person – Property –	1..'An Introduction to Alternative Dispute Resolution', By Dr. Anupam Kurlwal, Central Law Publications Chapter –I pp.9-14 2.. Alternative Dispute Resolution	Access to Justice and Legal Aid in India by Dr. Sarbhijit Kaur, Faculty of Law, Delhi University, E-Pathashala - https://www.youtube.co	This Unit shall help the students understand



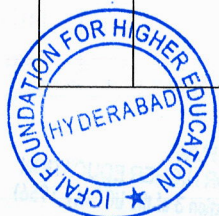
			<p>Religion – Society – Neighborhood – Access to Justice: Meaning, Nature of Access to Justice– Dispute Resolution – Formal and Informal – Adjudication and Resolution:</p>	<p>– Negotiation and Mediation by Madabhushi Sridhar, Lexis Nexis, Chapter-II –pp.19-54</p> <p>3.. Arbitration and Conciliation’ by Avatar Singh, Eastern Law Book House, Lucknow, Chapter –I pp.13-41</p>	<p>m/watch?v=g3csA4h-pFg</p> <p>Alternative Dispute Mechanisms in Indian law – Arbitration, Conciliation and Mediation by Mr. Naushad Alam, High Court of Delhi, E-Pathasala</p> <p>https://www.youtube.com/watch?v=UWeh-nk6Cdg</p>	<p>the nature of dispute and also to know about the fair hearing and principle of equality in the judicial system</p>
			<p>Judicial Dispute Resolution and Alternative Dispute Resolution– Litigation Settlement: Outside Court Settlements and Settlements through ADR Systems.</p>	<p>4..Alternative Dispute Resolution – Negotiation and Mediation by Madabhushi Sridhar , Chapter 4 – pp.79-102</p>	<p>nk6Cdg</p>	<p>principle of equality in the judicial system</p>
2.	15	Unit-II : Evolution of Alternate Dispute Resolution	<p>Definition, Nature and Scope of Alternative Dispute Resolution – Evolution of ADR systems: International - The New York Convention, 1958 - Economic Commissions for Europe- UNECE</p>	<p>1.. Arbitration, Conciliation and ADR’ by S.C.Tripathi, Central Law Agency, Allahabad, Part-II pp.323 -342</p> <p>2.. Arbitration and Conciliation’ by Avatar Singh, Eastern Law Book House, Lucknow, Chapter -2 – pp.13-139</p>	<p>Arbitration and Conciliation Act, 1996, by Chanchal Kumar Singh, Faculty of Law, Delhi University, e-Pathasala –</p> <p>https://www.youtube.com/watch?v=z7nkry-19f0</p> <p>New York Convention Introduction y Adam Samuel –</p> <p>https://www.youtube.com/watch?v=D1DH2VRcS</p>	<p>After completion of this Unit, the students are able to understand the historical</p>



			and UNECAFE Arbitration Rules – National –ADR under Hindu Dharmashas tras - Islamic Law, Village Panchayat - Nyaya Panchayat – Arbitration Act, 1940 - Constitutional provisions - Legal Services Authorities Act 1987-Arbitration and Conciliation Act, 1996.	3.. ..'An Introduction to Alternative Dispute Resolution', By Dr. Anupam Kurlwal, Central Law Publications Chapter-6 - pp. 232-242	Tc	perspective s of Altern ate Disput e Resol ution syste m and variou s intern ationa l and nation al instru ments relatin g to ADR
3	11	Unit –III : Alternative Dispute Resolution Methods	Negotiation – Mediation – Conciliation – Arbitration – Other Hybrid forms: Cooperative Problem solving- Dispute Panels - Early Neutral Evaluation– Facilitation – Fact finding – Interest Based Problem Solving- Mediated Arbitration(Med-Arb) - Negotiated Rulemaking (Neg-	1.. An Introduction to Alternative Dispute Resolution', By Dr. Anupam Kurlwal, Central Law Publications. Chapter –C, pp.14-41 2.. Arbitration and Conciliation Act, 1996 with ADR' – by S.C.Tripathi, Part-III – pp.351-368	ADR in Indian Law by Naushad Alam, Advocate New Delhi, - E-Pathasala https://www.youtube.com/watch?v=oWOpScRg0oE ADR Mechanism by Neelam Tyagi, Faculty, Univeristy of Delhi, https://www.youtube.com/watch?v=7FbuL3TyozE	This Unit shall helps the students to understand the various methods such as Media tion, Concil iation and



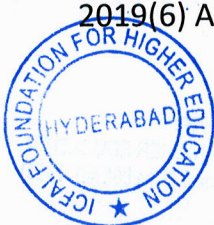
			Reg)- Settlement Conferences – Ombudsmen– Partnering-Mini Trials- Summary trial			Arbitration to solve the disputes between the parties
4.	12	Unit –IV : Application of Alternate Dispute Resolution	Justice System: Fair access to justice - Civil and Criminal Adversarial and Inquisitorial Systems – Restorative Justice System -Sec.89 of CPC – ADR in Civil Laws: Health Care – Education –Insurance –IPR Matters- Motor Accidents – Family Disputes – Commercial Disputes –Labour Disputes – Service Matters etc., – ADR in Criminal Laws: Compoundable Offences –Plea Bargaining.	1.. Alternative Dispute Resolution along with Gram Nyayalaya Act y Sukumar Ray, Chapters 5 to 7 – pp.122-162 2.. Alternative Dispute Resolution – Negotiation and Mediation by Madabhusi Sridhar, Chapter -8 pp.217-230	Fundamentals of Criminal Justice System by Dr. Paromitha Chatoraj https://www.youtube.com/watch?v=nHq6YOWkxRE Sec. 89 of Civil Procedure Code by R. Venkataraman, Sr. Advocate, New Delhi https://www.youtube.com/watch?v=TKttV ZuyPE	This Unit shall help the students to understand the fair access to justice and also applicability of ADR to both civil law and criminal laws.
5.	10	Unit-V : Alternate Dispute Resolution – Comparative Analysis	ADR Systems in USA, UK, and Australia – UNCITRAL Model – New York	1..‘An Introduction to Alternative Dispute Resolution’, By Dr. Anupam Kurlwal, Central Law Publications Chapter-5 – pp.157-	International Arbitration Lecture, 2018 by Robin Oldenstam, https://www.youtube.com/watch?v=60LBVpX-wlg Foreign Awards by	This Unit shall helps the students about



		Convention – 175 Geneva Convention, 2010 – UNCITRAL Arbitration Rules,2006 – UNCITRAL Model Law on International Commercial Conciliation – Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) 2002 – Emerging trends in ADR.	2.. Arbitration and Conciliation’ by Avatar Singh, Eastern Law Book House, Lucknow. Part-II- pp.477-512	Swamyraj https://www.youtube.com/watch?v=ZG12nlKoE3Q Judicial Inroads into Arbitration by Justice V. Ramasurahmaniyan – https://www.youtube.com/watch?v=TiurOJ3wVWU	the UNCIT RAL model rules and variou s Intern ationa l conve ntions regar ding ADR syste ms and also to know the emerg ing trends in ADR
Total	60				

Case Laws :

1. Indian Oil Corporation Limited v. FEPL Engineering (P) Ltd & Another 2019(6) Arb.L.R. 155 (Delhi) (DB)
2. Simplex Infrastructure Limited v. Union of India (2019) 2SCC 455
3. Hindustan Construction Company Limited and another v. Union of India and others 2019(6) Arb.L.R. 171 (SC)
4. S.P.Singla Constructions (P) Limited v. State of H.P. (2019) 2 SCC 488
5. Shaf Broadcast Pvt .Limited v. Doordarshan, A Constituent of Prasar Bharati & Another 2019(6) Arb.L.R. 281 (SC)
6. Bar Council of India v. A.K.Balaji (2018) 5 SCC 379
7. Om Astha Construction Pvt. Ltd v. Axon Construction (pvt) Limited and others 2019(6) Arb.L.R. 378 Patna



8. Emkay Global Financial Services limited v. Giridhar Sondhi (2018) 9 SCC 49
9. P.V.Jojo and others v. Indian Cements Capital & Finance Limited 2019(6) Arb.L.R. 365 Kerala (DB)
10. Zhejiang Bonly Elevator Guide Rail Mfg. Company Limited v. Jade Elevator Components (2018) 9 SCC 774
11. Nirmala Chandra Paul & others v. Jyotsna Paul and others 2019(6) Arb.L.R. 358 Gauhati
12. Sutlej Constructions Limited v. Union of Territory of Chandigarh (2018) 1 SCC 718
13. Ravi Arya & others v. Palmview Investment Overseas Limited and others 2019(6) Arb.L.R. 321 (om)

Expectations from Students:

- a. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- b. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- c. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- d. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- e. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- f. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- g. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and



unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.

- h. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- i. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.
- j. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.



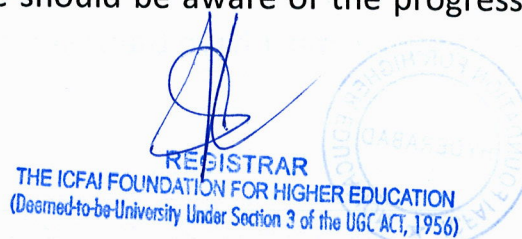
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment	16-10-2020	23-10-2020	15	Unit -1
NCP II	Assignment -1	30-10-2020		20	
NCP III	Assignment -2	13-11-2020		15	
End Term	End Term	7-12-2020		50	Unit 1 to V

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end-semester examination, he/she should be aware of the progress



in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Dr. K. V. Ravi Kumar, Assistant Professor,
ICFAI Law School, Hyderabad
Having 8 years of teaching experience as Assistant Professor,
Worked as an Academic Counselor at Centre for Distance Education, ANU.
5 years practicing experience as an advocate at Bar Association, Guntur District.
Published more than 15 articles in referred International and national journals
Presented more than 30 papers in International Seminar/Conferences/workshops



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ARBITRATION AND CONCILIATION

Objectives: The course provides inputs relating to conceptual understanding of Arbitration, Conciliation and its application to the students. It also enlightens the students the difference between the mechanisms and process of Arbitration and Conciliation. This course helps the students to learn soft skills and training in handling the matters fruitfully.

Course outcome: After the completion of the course, the students will be able to understand the others dispute settlement mechanisms such ADR- its evolution and different types and procedures adopted for the dispute settlement and its nuances. The students will become acquainted with the national and global perspective of governments and international organizations as a preferred mode of dispute settlement especially in the disputes on international nature.

Unit I: Introduction to Arbitration and Conciliation

Concept of Arbitration and Conciliation – Evolution of Arbitration in India and Outside – UNCITRAL Model – New York Convention – Geneva Convention, 2010 – UNCITRAL Model Law on International Commercial Arbitration – Conciliation – The Arbitration Act of 1940 – Background of the Arbitration and Conciliation Act, 1996 Aims and Objectives of the Arbitration and Conciliation Act, 1996.

Unit II: Arbitration

Definitions – Arbitration Agreement – Arbitral Disputes – Laws Applicable to Arbitration – Appointment of Arbitrators and Composition of Arbitral Tribunal – Procedure for Appointment of Arbitrators – Powers and Duties of Arbitrators – Challenges for Arbitrators – Jurisdictional Issues – Conduct of Arbitral Proceedings – Interim Measures of Protection – Arbitral Awards: Form and Contents of Arbitral Award – Kinds of Awards – Correction, Interpretation and Amendments to Awards – Setting aside of an Arbitral Award – Enforcement of Arbitral Awards.

Unit III: Enforcement of Foreign Awards

Meaning and Definition of Foreign Awards under (India) 1996 Act – Geneva Protocol and Geneva Convention Awards – Non-Convention Awards – Issues of Public Policy. Indian Council of Arbitration

Unit IV: Conciliation

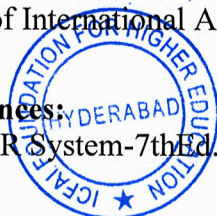
Meaning and Scope of Conciliation – Appointment of Conciliators – Conduct of Conciliation Proceedings – Settlement Agreements – Conciliation Process Model-Kinds of Conciliation, Facilitative – Evaluative – Court Annexed Conciliation, Voluntary Conciliation – Compulsory Conciliation.

Unit V: Settlement Mechanism under International Institutions

ICSID Convention – WIPO – WTO's Dispute Settlement System – The United Nations Convention Electronic Communication in International Contracts – Hong Kong International Arbitration Centre (CUECIC) Electronic Transaction Arbitration Rules (ETAR), The London Court of International Arbitration (LCIA)

References:

1. ADR System-7th Ed, 2005, Eastern Book Company-Lucknow.



2. Venu Gopal K.K-Justice Bachawat's Law of Arbitration and Conciliation Including commercial, international and ADR, 3rd Ed. 1999.
3. P.C.Rao & William-Alternative Dispute Resolution 1st Ed.-1997 Universal Law Sheffield Publishing Ltd.
4. S.K.Chawla-Law of Arbitration and Conciliation Act 1996 A commentary-(1999) Universal Law Publishing Ltd.
5. Anthony Walton Russell-on Law of Arbitration 18th Ed. 1970. Stevens & Sons Ltd., London.
6. G.K.Kwatra, The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration.
7. N.D.Basu-Arbitration & Conciliation Commentary- Orient Publishing House(1998).
8. Goyal.G.C-Arbitration & Conciliation Act, Khetrpal Public Ltd. (1998).
9. John Sutton, Kendall & Judith Gill: Russell on Arbitration; Sweet & Maxwell, London(1997).
10. H.C.Johri: Commentary on Arbitration & Conciliation Act, 1996; Kamal Law House, Calcutta (1997).
11. G.K.Kwatra: The New Arbitration & Conciliation Law of India, C A.1998.

Articles:

1. Ellen E. Deason, "Combinations of Mediation and Arbitration with the Same Neutral: A Framework for Judicial Review", Y.B. Arb. & Mediation, 5, 2013.
2. Kimberley Chen Nobles, "Emerging Issues and Trends in International Arbitration", California Western International Law Journal, 43, 2012.
3. Thomas J. Stipanowich, "Arbitration: The "New Litigation", University of Illinois LAW Review, 1, 2010.
4. Slavomir Halla, "Arbitration Going Online – New Challenges in 21st Century?", Masaryk University Journal of Law and Technology, 5, 2011.
5. Jacqueline Nolan-Haley, "Mediation: The "New Arbitration", Harvard Negotiation Law Review, 17, 2012.
6. Bibek Debroy and Suparna Jain, "Strengthening Arbitration and its Enforcement in India – Resolve in India", Niti Ayog, Working Paper.

Video Lectures:

1. <http://nludelhi.ac.in/moocs.aspx>
2. e-PG Pathshala videos on Access to justice module videos, available on www.nludelhi.ac.in.



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ICFAI Law School, Hyderabad

ONLINE Teaching Format

Course Hand Out

LLM (ADR) 1 Year Program

Semester-1

Academic Year – 2020-21

(Class of 2021)

Course Name: Arbitration and Conciliation Act 1996

Course Code:

Semester: I

Faculty Name: Dr. Veena

Mobile No: 9848730467

Email: veena@ifheindia.org

Objectives of the Course:

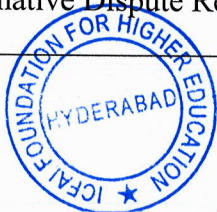
The course provides inputs to the students relating to conceptual understanding of Arbitration, Conciliation and its application. It also enlightens the students the difference between the mechanisms and processes of Arbitration and Conciliation. This course helps the students to learn soft skills and training in handling the matters fruitfully.

Course outcomes:

After the completion of the course, the students will be able to understand the scope of dispute settlement through arbitration and conciliation. Further the students will understand evolution and different types and procedures adopted for such dispute settlement. The students will become acquainted with the dispute settlement mechanism under the international institutions.

Recommended Text Books and Reference Books

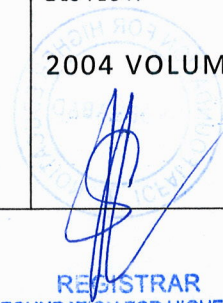
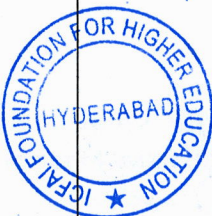
	TEXT BOOK	AUTHOR / PUBLICATION
1	Russell on Arbitration	John Sutton, Kendall & Judith Gill, Sweet & Maxwell, London, 1997.
2	Alternative Dispute Resolution	2. P.C.Rao & William, 1 st ed., Universal Law Sheffield Publishing Ltd, 1997.



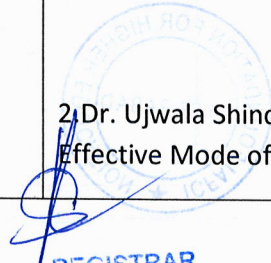
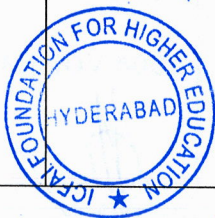
3	Justice Bachawat's Law of Arbitration and Conciliation Including Commercial, International and ADR	VenuGopalK.K., 3 rd ed., 1999
4	Law of Arbitration and Conciliation Act 1996-A Commentary	S.K.Chawla, Universal Law Publishing Ltd., 1999.
5	Arbitration & Conciliation Commentary	N.D.Basu, Orient Publishing House, 1998.

Course Outline:

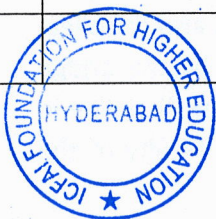
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos
1	9	Introduction to Arbitration and Conciliation	Concept of Arbitration and Conciliation – Legal Regime of Arbitration and Conciliation– Provisions relating to Arbitration under International Law - Position in India: Arbitration Act of 1940 – Arbitration and Conciliation Act of 1996.	RB 1, 3, 5	Thomas J. Stipanowich, "Arbitration: The New Litigation", University of Illinois Law Review, 1, 2010.
2	11	Arbitration	Definitions – Arbitration Agreement – Arbitral Disputes – Composition of Arbitral Tribunal – Appointment of Arbitrators - Powers and Functions of Arbitrators – Challenges for Arbitrators:	RB 3, 4	1. Steven Hooten and Richard Bales, "Reasoned" Arbitration Awards, Arbitration Law Review, Volume 12 (2020) 2. By <u>CHARLES HUNT, JD</u> , Litigate or Arbitrate?, Graziadio Business Review 2004 VOLUME 7 ISSUE 3



			<p>Jurisdictional Issues – Conduct of Arbitral Proceedings – Interim Measures of Protection – Arbitral Awards: Form and Contents of Arbitral Award – Kinds of Awards – Correction, Interpretation and Amendments to Awards – Setting aside of an Arbitral Award –</p>		
			<p>Enforcement of Arbitral Awards.</p>		
3	10	Enforcement of Foreign Awards in India	<p>Meaning and Definition of Foreign Awards under the Arbitration and Conciliation Act 1996 – Recognition and Enforcement of Foreign Awards: Geneva Protocol 1927 – New York Convention 1958 – Recognition and Execution of Foreign Awards: Position under CPC 1908 – Issues of Public Policy.</p>	RB 1, 3	<p>Bibek Debroy and Suparna Jain, “Strengthening Arbitration and its Enforcement in India – Resolve in India”, Niti Ayog, Working Paper.</p>
4	7	Conciliation	<p>Meaning and Scope of Conciliation – Kinds of Conciliation: Facilitative – Evaluative – Court Annexed Conciliation – Voluntary Conciliation – Compulsory</p>	RB 4, 5	<p>1. WANG WENYING, ‘The Role of Conciliation in Resolving Disputes: A P.R.C. Perspective’, OHIO STATE JOURNAL ON DISPUTE RESOLUTION [Vol 20:2 2005]</p> <p>2. Dr. Ujwala Shinde, ‘Conciliation as an Effective Mode of Alternative Dispute</p>



			Conciliation - Appointment of Conciliators - Conduct of Conciliation Proceedings - Settlement Agreements		Resolving System', IOSR Journal Of Humanities And Social Science (JHSS) ISSN: 2279-0837, ISBN: 2279- 0845. Volume 4, Issue 3 (Nov. - Dec. 2012)
5	11	Settlement Mechanism and International Institutions	ICSID Convention – WIPO Arbitration and Mediation Centre– WTO’s Dispute Settlement Body– The United Nations Convention on Electronic Communication in International Contracts – Hong Kong International Arbitration Centre (CUECIC) - Electronic Transaction Arbitration Rules (ETAR) - The London Court of International Arbitration (LCIA) - Singapore Arbitration Centre - Indian Council of Arbitration and ICADR.	RB 1 and Institutional websites	KimberleyChen Nobles, “Emerging Issue and Trends in International Arbitration”, California Western International Law Journal, 43, 2012 www.wto.org www.wipo.org
Total	48				



Expectations from Students:

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- k. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.

- l. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- m. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- n. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter- productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- o. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- p. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
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Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

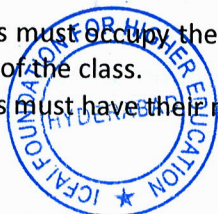
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Class Representative

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Evaluation Timelines

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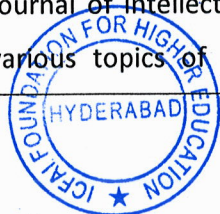
Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment	08/10/2020	20/10/2020	15	Unit 1 and 2
NCP II	Internal Assessment	12/11/2020	28/11/2020	15	Unit 3 and 4
NCP III	MCQ	18/12/2020	18/12/2020	10	Unit 4 and 5
End Term	End Term	28/12/2020 to 1/1/2021	30/01/2021	60	Unit 1 to 5
	Total			100	

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 40 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Dr. Veena, working as an Associate Professor in the Faculty of Law, the Icfai Foundation for Higher Education (IFHE), Hyderabad since 2011. Post graduate (LLM) in Torts and Crimes, Corporate Law and obtained Ph D in Law in the area of 'Law of Patents'. Her research is focused on the patenting of software programs. She has participated and presented papers in national and international journals. She has taken part in refresher training programs organized and conducted by the UGC.

She has rich research experience in the area of intellectual property rights and edited the ICFAI Journal of Intellectual Property Rights for a period of five years. She has edited eight books on various topics of Intellectual Property Rights published from Amicus Books, a unit of ICFAI



University, Hyderabad.

She has vast teaching experience and taught business law subject to the MBA students of the University, handles classes for undergraduate courses of five years integrated law program, BBA LLB (Honors) program, LLM and PhD program in the areas of IPR and Corporate Laws.




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MEDIATION AND NEGOTIATION

Objectives: The course is designed to make students understand the meaning, scope and importance of various dispute resolution methods. The course aims to explain primarily about mediation and negotiation dispute resolution processes and functions and develop techniques and skill to make effective use of ADR methods. The second objective is to develop in the students of practical understandings of the matter which can be preferably resolved through Mediation and Negotiation. The Course also focus on resolution of disputes of both national and international dimensions, disputes between citizens and government, matrimonial disputes, arbitration and those concerning civil rights. The course also covers the international practices on mediation and negotiation and its comparative study with India.

Course outcomes: The course is structured around theoretical and practical approach, as a result students would acquire the conceptual as well as the necessary practical approach to the art of mediation and Negotiation. Students will be able to describe, analyze and apply the substantive rules of mediation and Negotiation. Student would be able to analyze and evaluate the nature of dispute and choose appropriate method for resolving it by employing various strategies. Along with this students will understand international practices and comparative study.

Unit I: Introduction

Meaning, Nature and development of ADR with special reference to Mediation and Negotiation, Historical development of Mediation and Conciliation - Roman law -modern period. Merits and demerits – Confidentiality-Compliance, global relevance of Mediation and Conciliation.

Unit II: Mediation Introduction

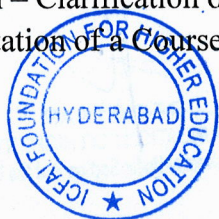
Meaning, Scope and importance of Mediation - Adjudication vs Mediation - Techniques of Mediation - Mediation Ethics and Obligations of Mediation- Attributes of Mediation- Mediation and Styles, Court annexed mediation, sec.89 of CPC- Community mediation-Peer mediation- Native-title mediation

Unit III: Mediation under Different Laws

Industrial Disputes Act, 1947 – Supreme Court’s Module on Mediation – Civil and Commercial Mediation – Family Mediation – Victim-offender Mediation – Mediation under Family Courts Act – Mediation under Legal Services Authority Act.

Unit IV: Negotiation

Meaning and Significance – Techniques and Approach to Negotiation Informal – Formal Negotiation Nature and Modes of Negotiation – Stages of Negotiation – Preparation – Discussion – Clarification of Goals – Negotiate Towards a Win-Win Outcome – Agreement – Implementation of a Course of Action.



Unit V: International Practices

Comparative Study of Mediation and Negotiation – India-UK-USA – Mediation and Negotiation for International Relations and Disputes – ISDLS – The Mediation and Conciliation Project Committee (MCPC) – Indian Institute of Arbitration & Mediation And PMC (People’s Mediation Centre) – International Mediation Institute (IMI)

Reference Books

1. SriramPanchu, Mediation Practices & Law, Lexis Nexis Butterworth, 1st ed. 2011.
2. Susheela S, Mediation Readers Handbook, Asia Law House, 1st ed. 2012.
3. Deborah Kolb, Judith Williams, Everyday Negotiation: Navigating the Hidden Agendas in Bargaining, Wiley India Pvt. Ltd, 2006
4. Alison Taylor, The Handbook of Family Dispute Resolution: Mediation Theory and Practice, Jossey Bass, 2010
5. Anuroop Omkar Kritika Krishnamurthy, The Art of Negotiation And Mediation-A Wishbone, Funnybone And A Backbone, Lexis Nexis, 1st ed. 2015
6. Rajinder Kaur, Mediation and Negotiation in Trade Conflicts: An Indian Perspective, Thomson Reuters South Asia Private Limited, 2018
7. Tony Whatling, Mediation Skills and Strategies: A Practical Guide, Jessica Kingsley, 2012.
8. Russell Korobkin, Negotiation: Theory and Strategy (Aspen Casebook) (Aspen Casebook Series), Wolters Kluwer, 3 ed. 2014
9. Sven M.G. Koopmans, Negotiating Peace: A Guide to the Practice, Politics, and Law of International Mediation, Oxford University Press, 2018
10. Teresa Clyne, An Introduction to Mediation: Mediate don't litigate - Alternative Dispute Resolution, CreateSpace Independent Publishing Platform, 2016
11. Christopher W. Moore, The Mediation Process: Practical Strategies for Resolving Conflict, John Wiley & Sons, 4th ed. 2014
12. J. G. Merrills, International Dispute Settlement, Cambridge University Press, 6 ed. 2017

Articles:


1. Karl Mackie and Edward Lightburn in International Mediation, The UK Experience, Amity Law Review, Vol I, Part I, Jan-Jun 2000.
2. Samar Bhoite, ‘Mediation, a process less practiced in India in Business Disputes Resolution’ published in the website www.manupatra.co
3. Mauro Cappelletti, ‘Alternative Dispute Resolution Processes within the Framework of the World-Wide Access-to-Justice Movement’, The Modern Law Review, Vol. 56, No. 3, Dispute Resolution. Civil Justice and Its Alternatives 1993.
4. Robert A. Baruch Bush and Joseph P. Fogler, Mediation and Social Justice: Risks and Opportunities, 27 Ohio St. J. on Disp. Resol. 1 2012
5. Anil Xavier, ‘Mediation : Its origin & growth in India’, Hamline Journal of Public Law & Policy, Vol. 27
6. Arghavan Gerami, ‘Bridging the Theory-and-Practice Gap: Mediator Power in Practice’, Conflict Resolution Quarterly, vol. 26, 2009
7. Mordehai (Moti) Mironi, ‘Mediation v. Case Settlement: The Unsettling Relations Between Courts and Mediation - A Case Study’, Vol. 19:173, Harvard Negotiation Law Review, 2008
8. Andrea Kupfer Schneider, Teaching a New Negotiation Skills Paradigm, 39 Wash. U. J. L. & Pol’y 3, 2012

9. Sebenius, J. 'Negotiation arithmetic: Adding and subtracting issues and parties. International Organization', Vol: 37(2), 1983, Cornell Law Review.
10. James F. Henry, Some Reflections on ADR, 2000 J. Dispute. Resol. 2000

Videos:

1. <https://www.youtube.com/watch?v=xTbj-eHwX-w>
2. <https://www.youtube.com/watch?v=PAITV-I0Sjs&t=151s>
3. <https://www.youtube.com/watch?v=z7nkry-I9f0>
4. https://www.youtube.com/watch?v=eM_o80DOLyI
5. <https://www.youtube.com/watch?v=-36kC3icoll>
6. <https://www.youtube.com/watch?v=VsaxtLqh4h0>
7. https://www.youtube.com/watch?v=f_qJTwxJytA
8. <https://www.youtube.com/watch?v=coxSjf68Q3DDwm>
9. <https://www.youtube.com/watch?v=zAL3pb3u9ew>




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ICFAI Law School, Hyderabad

Course Hand Out

Academic Year – 2020-21

(Class of LLM –II SEM) JAN -2021

Course Name: Negotiation and Mediation

Course Code:

Semester: II SEM(LLM)

Faculty Name: Dr.A.SREELATHA

Mobile No: 7396664802

Email: annamanenisreelatha@ifheindia.org



Objectives: The course is designed to make students understand the meaning, scope and importance of various dispute resolution methods. The course aims to explain primarily about mediation and negotiation dispute resolution processes and functions and develop techniques and skill to make effective use of ADR methods. The second objective is to develop in the students of practical understandings of the matter which can be preferably resolved through Mediation and Negotiation. The Course also focus on resolution of disputes of both national and international dimensions, disputes between citizens and government, matrimonial disputes, arbitration and those concerning civil rights. The course also covers the international practices on mediation and negotiation and its comparative study with India.


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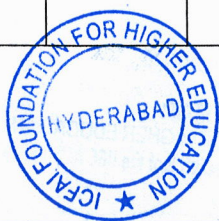
Recommended Text Books and Reference Books



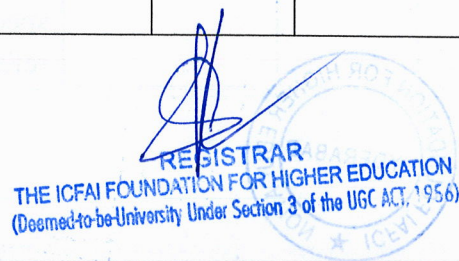
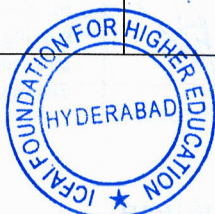
	TEXT BOOK	AUTHOR / PUBLICATION
1	The Art of Negotiation And Mediation	1. <u>Anuroop Omkar Kritika Krishnamurthy</u> , -A Wishbone, Funny bone And A Backbone, Lexis Nexis, 1 st ed. 2015
2	2. A Guide to the Practice, Politics, and Law of International Mediation	2 Sven M.G. Koopmans, Negotiating Peace: Oxford University Press, 2018
3	, International Dispute Settlement	3 <u>J. G. Merrill's</u> Cambridge University Press, 6 ed. 2017
4	, Negotiation: Theory and Strategy	4 Russell Korobkin, (Aspen Casebook) (Aspen Casebook Series) , Wolters Kluwer, 3 ed. 2014
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Course Outline:

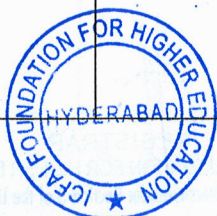
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1	7	Unit I: Introduction	Meaning, Nature and development of ADR with special reference to	Dr.S.C.TRIPATHI Arbitration and conciliation, Act 1996 Central law public <u>Anuroop Omkar Kritika</u>	Chapter 1 	To understand the importance and various methods involved in solving alternate disputes and



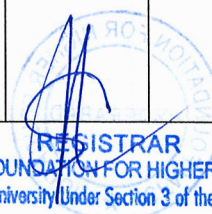
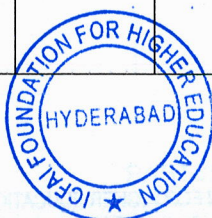
			Mediation and Negotiation, Historical development of Mediation and Conciliation - Roman law - modern period. Merits and demerits – Confidentiality -Compliance,	<u>Krishnamurthy</u> , -A Wishbone, Funny bone And A Backbone, Lexis Nexis, 1 st ed. 2015	its global relevance
			global relevance of Mediation and Conciliation.		
2	8	Unit II: Mediation Introduction	Meaning, Scope and importance of Mediation - Adjudication vs Mediation - Techniques of Mediation - Mediation Ethics and Obligations of Mediation- Attributes of Mediation- Mediation and Styles, Court annexed mediation, sec.89 of CPC- Community mediation- Peer mediation- Native-title	SriramPanchu, 2015, LexisNexis	To understand techniques of mediation and adjudication along with practical sessions to be held in classroom



			mediation			
3	7	Unit III: Mediation under Different Laws	Industrial Disputes Act, 1947 – Supreme Court’s Module on Mediation – Civil and Commercial Mediation – Family Mediation – Victim-offender Mediation – Mediation under Family Courts Act – Mediation under Legal Services Authority Act.	Madabhushi Sridhar, Negotiation and Mediation- Lexis Nexis, Butterworths Wadhwa	Chapter 8&9	Students will be able to understand the role of a mediator and the process involved along with various legislations in India
4	7	Unit IV: Negotiation	Meaning and Significance – Techniques and Approach to Negotiation Informal – Formal Negotiation	Deborah Kolb, Judith Williams, Wiley India Pvt. Ltd, 2006	chapter 3&8	To understand the techniques of negotiation and its proper implementation in day-to-day disputes




			Nature and Modes of Negotiation – Stages of Negotiation – Preparation – Discussion – Clarification of Goals – Negotiate Towards a Win-Win Outcome –			
			Agreement – Implementation of a Course of Action.			
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			Centre) – International Mediation Institute (IMI)			
6	8			Case-laws, Universal concise commentaries on Arbitration and conciliation universal law publications- LexisNexis	selected case laws	Students will understand the practical approachability in relation to conciliation, mediation, arbitration and negotiation
Total	48					

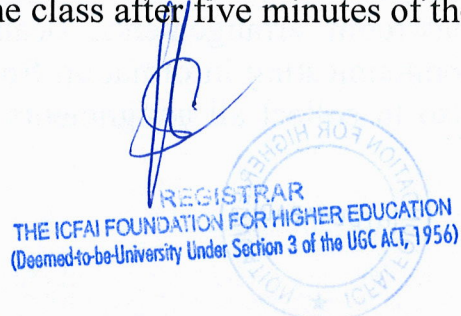
Total hours = 48

LIST OF CASES

- 1 Oriental Insurance Company Limited v. M/s Narbheram Power and Steel Pvt. Ltd.- May-2018**
- 2 M/S Emaar MGF Land Limited & Anr. v. Aftab Singh, July2017**
- 3 Kandla Export Corporation & Anr. v. M/s OCI Corporation & Anr.Feb 2018**
- 4 Centrotrade Minerals and Metal Inc. v. Hindustan Copper Ltd. Dec-2016**
- 5 Google's approach to dispute resolution**
- 6 Dayawati vs Yogesh Kumar Gosain on 17 October, 2017**
- 7 Neeru Saxena vs . State & Ors. on 5 October, 2018**
- 8 M/s Icomm Tele Ltc. Vs. Punjab State Water Supply & Sewerage Board March 2019 in Civil Appeal No. 2713 of 2019.**
- 9 Uttarakhand Purv Sainik Kalyan Nigam Ltd. Vs. Northern Coal Field Ltd. November 2019 (C) No. 11476 of 2018.**

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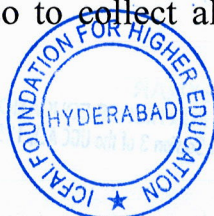
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Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

1. Submission of Synopsis on or before 18th February 2021.
2. Submit Weekly Progress Report of Research every Monday as approved by the Faculty Guide.
3. Pre-submission Presentation on or before 10th April 2021
4. Final submission of Dissertation on or before 26th April 2021

The Scheme of examination for Semester -II

1. 1st Assignment submission on or before 1st March 2021 (15 marks)
2. 2nd Assignment submission on or before 5th April 2021 (15 marks)
3. Test - date will be informed in due course (10 marks)
4. End term exams for 60 Marks
5. Submission of Non -Credit Course Project Report on or before 25th March

The final grade will be declared after the end semester examinations following the above given weight age formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course



up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Name of the Faculty: Dr.A. Sreelatha

LL.M: MBA: M. A [ENG.LITT]; PH. D

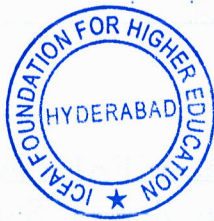
18 YEARS OF TEACHING EXPERIENCE IN VARIOUS UNIVERSITIES

Research specialised fields - Labour and Industrial laws, Corporate and commercial laws

Human rights law

Contact. No..... 7396664802

Mail id annamanenisreelatha@ifheindia.org



[Handwritten Signature]
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FAMILY DISPUTE RESOLUTION

Objectives: The study of this course enables the students to understand the strengths and weakness of various family dispute resolution methods. The course aims to explain primarily family dispute resolution processes, functions, develop techniques and soft skills to make effective use of Family Dispute Resolution process. It also provide an opportunity to the students to learn the role of Institutional family resolution systems in minimizing family disputes.

Course outcome: At the end of this course, students would acquire the conceptual as well as the necessary practical approach to the family resolution mechanisms. Students will be acquainted with various disputes under personal laws and proper resolution methods to deal with the disputes.

Unit I: Introduction

Meaning, Nature and Scope of Family – Kinds of Families – Matriarchal and Patriarchal – Monogamous – Polygamous – Patrilocal and Matrilocal – Exogamous and Endogamous Families – Meaning of Family Disputes – Kinds of Family Disputes – Matrimonial – Relationship – Maintenance – Property and Custody Disputes, Family Laws – Intra and Inter-religious Family Laws – Hindu, Muslim, Christian.

Unit II: Matrimonial and Maintenance Disputes

Matrimonial Disputes – Restitution of Conjugal Rights – Judicial Separation – Nullity of Marriage and Divorce under Hindu Marriage Act, Special Marriage Act, Christian marriage and Divorce Act – Parsi and Other Personal Laws – Maintenance – Maintenance Pendent-lite and Alimony, under different Personal Laws in India – Maintenance under 125 Cr.PC.

Unit III: Adoption, Custody and Property Disputes

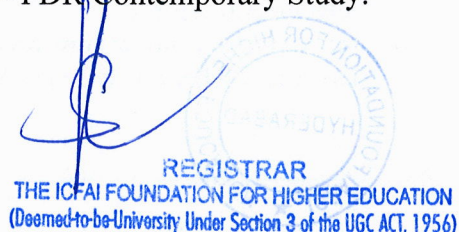
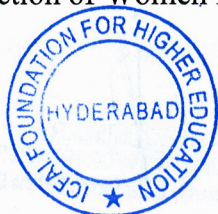
Concept of Adoption under Hindu adoption and Maintenance Act, Juvenile Justice Act – Adoption under Personal Laws – Custody of Children – Rights of Guardianship under different Personal Laws in India – Guardians and Wards Act – Property rights under Hindu Succession Act – Indian Succession Act and under Islamic Law.

Unit IV: Family Disputes Resolution System

Meaning, Nature and Development of FDR – Kinds of FDR – Arbitration – Case Evaluation – Cooperative Practice – Divorce Coaching – Early Neutral Evaluation – Facilitation – Family Group Conference – Mediation – Negotiation – Parenting Coordinator – Settlement Conferences, FDR Process – FDR for Parenting Matters FDR for Property Matters, FDR for Couple Matters.

Unit V: Resolution Mechanisms

Family Courts – Jurisdiction, Adjudication, Trial and Procedure Statutory Recognition of Consideration under Various Personal Laws, Hindu Marriage and Divorce Act, 1955 – Special Marriage Act 1954 – CPC, 1908 – Divorce Act, 1869 and Family Courts Act 1984 – The Protection of Women from Domestic Violence Act, 2005 – FDR, Contemporary Study.



Reference Books:

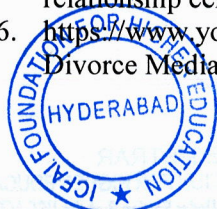
1. Thomas Digrazia 'Light on Peacemaking: A Guide to Appropriate Dispute Resolution and Mediating Family Conflict' Publisher: Business Expert Press 2015
2. Taylor Alison The Handbook of Family Dispute Resolution John Wiley and Sons Ltd Genre: Family & Relationships 2008
3. Alison Taylor The Handbook of Family Dispute Resolution: Mediation Theory and Practice Jessey Bass, 2010
4. Cummings, E. M., & Davies, P. Children and marital conflict: The impact of family dispute and resolution. Guilford series on social and emotional development. New York, NY, US: Guilford Press 1994.
5. Paras Diwan, Law of Adoption, Minority, Guardianship and Custody, Universal Law Publishing Co., New Delhi, 2015.
6. Mayne's Treatise on Hindu Law and Usage, Bharat Law House, New Delhi, 2008.
7. Subba Rao GCV, Family Law in India, 13th Ed., S. Gogia & Co., Hyderabad, 2015.
8. Mookerjee, Commentaries on Hindu Marriage Act, Kamat Law House, Kolkata, 2015
9. Sumeet Malik Family Law Manual, Digest of Transfer of Matrimonial Cases, Digest of Will Cases and Subject Index, 2nd Ed EBC, 2015

Articles

1. Salem, P., Kulak, D., & Deutsch, R. M. Triaging family court services: The Connecticut Judicial Branch's family civil intake screen. Pace Law Review, 27, 2015
2. Saposnek, D. T. Commentary: The future of the history of family mediation research. Conflict Resolution Quarterly, 22, 2007
3. Sullivan, M., Ward, P., & Deutsch, R. Overcoming Barriers family camp: A program for high-conflict divorced parents where a child is resisting contact with a parent. Family Court Review, 48, 2010
4. JB Singer 'Dispute Resolution And The Post-divorce Family: Implications Of A Paradigm Shift' Family Court Review- Wiley Online Library, 2009
5. Mcintosh, Jennifer E. Children beyond dispute : A four year follow up study of outcomes from child focused and child inclusive post-separation family dispute resolution' Published by Family Transitions Melbourne, 2009
6. CW Moore - Training mediators for family dispute resolution Mediation Quarterly, Wiley Online Library, 1983.
7. Elizabeth Brake and Lucinda Ferguson 'Introduction: The Importance of Theory to Children's and Family Law in Philosophical Foundations of Children's and Family Law SSRN Journal, 2018.
8. Narendra Subramanian, Legal Change and Gender Inequality: Changes in Muslim Family Law in India: Law & Social Inquiry, Vol. 33, No. 3, 2008.
9. Ragini Sahay , Association, Dowry and Dower in Muslim Marriage : A study among Muslim Telis of Delhi Indian Anthropologist, Vol. 26, No. 1 June, 1996.
10. IM Ellman, SL Lohr- Dissolving the relationship between divorce laws and divorce rates - International Review of Law and Economics, Elsevier- 1998.

Videos:

1. <https://www.youtube.com/watch?v=pyxT528veVg> - How to avoid and resolve family disputes | By DrSudha Mishra, Counselor, Family Court
2. <https://www.youtube.com/watch?v=bP-ne6bXhXc> - Family Dispute Resolution Mediation 1
3. <https://www.youtube.com/watch?v=2CazohzeXLo> - Moving Beyond Family Conflict - A Guide to Family Dispute Resolution
4. <https://www.youtube.com/watch?v=OiF1UpDbAVU> Family dispute resolution - which process is right for you?
5. <https://www.youtube.com/watch?v=avlcSUqW4Kc> - Family dispute resolution through family relationship centres.
6. <https://www.youtube.com/watch?v=JN3XQoIXe8Q> How to prepare, succeed and settle in Divorce Mediation By Legal Mind Ajit Kumar



7. <https://www.youtube.com/watch?v=Y6vIXZ-WpEs> - Divorce by Mutual Consent
8. www.youtube.com/watch?v=HukBR2YEyd0 – Restitution of Conjugal rights
9. www.youtube.com/watch?v=cVzjqsXXA-k- Protection of Women from domestic violence
10. www.youtube.com/results?search_query=guardianship+act+1956– Hindu Minority and Guardianship



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ONLINE Teaching Format

Course Hand Out

Academic Year – 2020-21

(LLM – 2nd SEM)

Course Name: LLM – 2nd SEM

Course Code:

Semester: II

Faculty Name: Dr. MADHURI IRENE

Mobile No: 9247133349

Email: madhuriirene@ifheindia.org

Objectives of the Course:

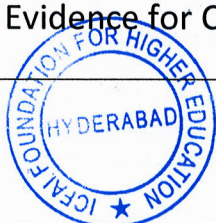
The study of this course enables the students to understand the strengths and weakness of various family dispute resolution methods. The course aims to explain primarily family dispute resolution processes, functions, develop techniques and soft skills to make effective use of Family Dispute Resolution process. It also provides an opportunity to the students to learn the role of Institutional family resolution systems in minimizing family disputes.

Course outcome:

At the end of this course, students would acquire the conceptual as well as the necessary practical approach to the family resolution mechanisms. Students will be acquainted with various disputes under personal laws and proper resolution methods to deal with the disputes.

Recommended Text Books and Reference Books

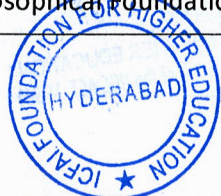
	TEXT BOOK	AUTHOR / PUBLICATION
1.	'Light on Peacemaking: A Guide to Appropriate Dispute Resolution and Mediating Family Conflict'	Thomas Digrazia Publisher: Business Expert Press 2015
2.	Online Family Dispute Resolution: Evidence for Creating the Ideal	Elisabeth Wilson and J. Zeleznikow, Springer International Publishing 2021



3.	Children and marital conflict: The impact of family dispute and resolution	Taylor Alison The Handbook of Family Dispute Resolution John Wiley and Sons Ltd Genre: Family & Relationships 2008
4.	Law of Adoption, Minority, Guardianship and Custody	Paras Diwan, Universal Law Publishing Co., New Delhi, 2015.
5.	Treatise on Hindu Law and Usage	Mayne's, Bharat Law House, New Delhi, 2008.
6.	Family Law in India	Subba Rao GCV, 13th Ed., S. Gogia & Co., Hyderabad, 2015.
7.	Family Law Manual, Digest of Transfer of Matrimonial Cases, Digest of Will Cases	Sumeet Malik -, 2nd Ed EBC, 2015
8.	Modern Hindu Law	Dr. Paras Diwan, Orient Publishing Co., New Delhi, 7th Edn. 2018.
9.	Family in India	Krishna Chakraborty, Rawat Publications, New Delhi, 2016.
10.	Law of Adoption, Minority, Guardianship and Custody	Paras Diwan, Universal Law Publishing Co., New Delhi, 2017

Supplemental readings:

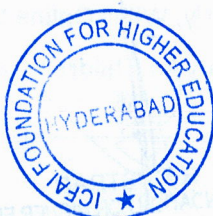
11. Salem, P., Kulak, D., & Deutsch, R. M. Triaging family court services: The Connecticut Judicial Branch's family civil intake screen. Pace Law Review, 27, 2015
12. Saposnek, D. T. Commentary: The future of the history of family mediation research. Conflict Resolution Quarterly, 22, 2007
13. Sullivan, M., Ward, P., & Deutsch, R. Overcoming Barriers family camp: A program for high-conflict divorced parents where a child is resisting contact with a parent. Family Court Review, 48, 2010
14. JB Singer 'Dispute Resolution And The Post-divorce Family: Implications Of A Paradigm Shift' Family Court Review- Wiley Online Library, 2009
15. McIntosh, Jennifer E. Children beyond dispute : A four year follow up study of outcomes from child focused and child inclusive post-separation family dispute resolution' Published by Family Transitions Melbourne, 2009
16. CW Moore - Training mediators for family dispute resolution Mediation Quarterly, Wiley Online Library, 1983.
17. Elizabeth Brake and Lucinda Ferguson 'Introduction: The Importance of Theory to Children's and Family Law in Philosophical Foundations of Children's and Family Law SSRN Journal, 2018.



18. Narendra Subramanian, Legal Change and Gender Inequality: Changes in Muslim Family Law in India: Law & Social Inquiry, Vol. 33, No. 3, 2008.
19. Ragini Sahay, Association, Dowry and Dower in Muslim Marriage : A study among Muslim Telis of Delhi Indian Anthropologist, Vol. 26, No. 1 June, 1996.
20. IM Ellman, SL Lohr- Dissolving the relationship between divorce laws and divorce rates - International Review of Law and Economics, Elsevier- 1998.

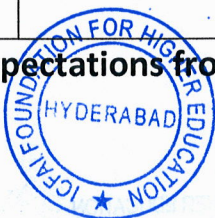
Course Outline:

Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
I	8	Introduction	Meaning, Nature and Scope of Family – Kinds of Families – Matriarchal and Patriarchal – Monogamous – Polygamous – Patrilocal and Matrilocal – Exogamous and Endogamous Families – Meaning of Family Disputes – Kinds of Family Disputes – Matrimonial – Relationship – Maintenance – Property and Custody Disputes, Family Laws – Intra and Inter-religious Family Laws – Hindu, Muslim, Christian	RB 7	https://www.youtube.com/watch?v=pyxT528veVg	Students will know Evolution of Family, system, kinds of family and nature of family disputes
II	12	Matrimonial and Maintenance Disputes	Matrimonial Disputes – Restitution of Conjugal Rights – Judicial Separation – Nullity of Marriage and Divorce under Hindu Marriage Act, Special Marriage Act, Christian marriage and Divorce Act – Parsi and Other Personal Laws – Maintenance – Maintenance Pendent-lite and Alimony, under different Personal Laws in India – Maintenance under 125 Cr.PC.	RB 5,6,7,9	https://www.youtube.com/watch?v=bP-ne6bXhXc	By the end of the unit students will be able to understand various matrimonial and maintenance related disputes prevailing in personal laws and under 125 CrPC

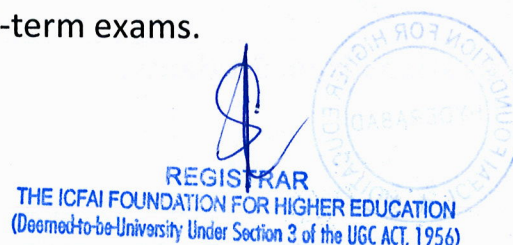


III	13	Adoption, Custody and Property Disputes	Concept of Adoption under Hindu adoption and Maintenance Act, Juvenile Justice Act – Adoption under Personal Laws – Custody of Children – Rights of Guardianship under different Personal Laws in India – Guardians and Wards Act – Property rights under Hindu Succession Act – Indian Succession Act and under Islamic Law.	RB 6,7, 10	https://www.youtube.com/watch?v=Y6vIXZ-WpEs www.youtube.com/watch?v=HukBR2YEyd0	Students will be able to understand custody related disputes along property and with Adoption principles.
IV	7	Family Disputes Resolution System	Meaning, Nature and Development of FDR – Kinds of FDR – Arbitration – Case Evaluation – Cooperative Practice – Divorce Coaching – Early Neutral Evaluation – Facilitation – Family Group Conference – Mediation – Negotiation – Parenting Coordinator – Settlement Conferences, FDR Process – FDR for Parenting Matters FDR for Property Matters, FDR for Couple Matters.	RB 1,2,3,7	https://www.youtube.com/watch?v=2CazohzeXLo www.youtube.com/watch?v=cVzjqsXXA-k	Students will be able to know various FDR mechanisms and FDR processes
V	8	Resolution Mechanisms	Family Courts – Jurisdiction, Adjudication, Trial and Procedure Statutory Recognition of Consideration under Various Personal Laws, Hindu Marriage and Divorce Act, 1955 – Special Marriage Act 1954 – CPC, 1908 – Divorce Act, 1869 and Family Courts Act 1984 – The Protection of Women from Domestic Violence Act, 2005 – FDR Contemporary Study.		https://www.youtube.com/watch?v=OiF1UpDbAVU https://www.youtube.com/watch?v=JN3XQolXe8Q	Students will be knowing role of Family Courts in dispute settlement along with rules of conciliation, mediation and other ADR methods used for Family dispute settlements,
Total	48					

Expectations from Students:



- u. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- v. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- w. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- x. The participation has to be relevant and meaningful. “Speaking for speaking’s sake” will be counter- productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- y. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- z. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- aa. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- bb. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- cc. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid- term or end-term exams.



- dd. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

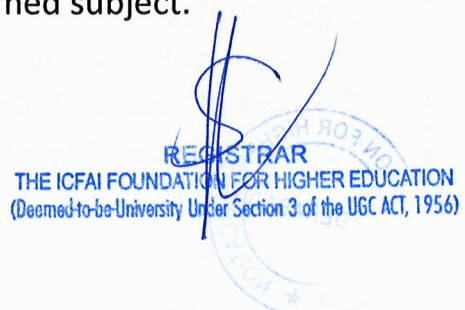
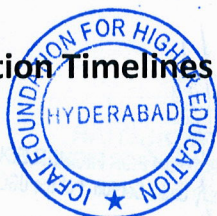
Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines



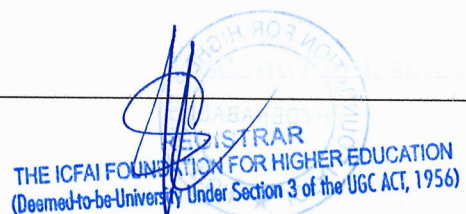
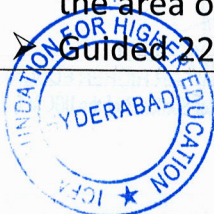
Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration	Weightage	Syllabus
NCP I	Internal Assessment	27/02/2021	01-03-2021	15	UNIT 1&2
NCP II	Mid Term	22-03-2021	25-03-2021	20	UNIT 1-3
NCP III	Internal Assessment	15-04-2021	20-04-2021	15	UNIT 4
End Term	End Term	26-05-2021	30-05-2021	50	UNIT 1-5

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

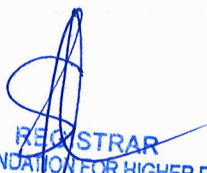
Brief profile of the Faculty Member

<p>Dr. Madhuri Irene</p> <ul style="list-style-type: none"> ➤ Working as Associate Professor in ICFAI Law School, ICFAI Foundation for Higher Education (IFHE), Donthanapally, Hyderabad, Telangana State. ➤ Having 20yrs of Teaching experience as a Law Faculty ➤ Published 53 Articles in referred International and National journals / books. ➤ Presented 60 papers in International/ National Seminars/ Conferences. ➤ Published 3 Edited books. ➤ Recipient of Indo Pacific-Ruth Ginsberg Distinguished Law Faculty Award in Legal Studies ➤ Recipient of IMRF MOST DISTINGUISHED ACADEMICIAN AWARD 2020 in the area of LEGAL STUDIES ➤ Guided 22 L.L.M Dissertations.



- Held office of family counseling from 2001-2012 in K.V. Ranga Reddy Law College, Hyderabad.
- Reviewer for scientific journals of Crimson Publishers, LLC, New York - 10016, USA
- Review Committee member for International Centre of Excellence in Education, Business and Management Journal, USA
- Senior Faculty Editor cum Advisor for The Law Brigade Publishers & Creative Connect International Publishers run by Libertatem Media Group, Ahmedabad.
- Associate Editorial Board member (Law) International Journal of Interdisciplinary Current Researches (IJICR)
- Honorary Editorial board / reviewer, Amity Law Journal Dubai, UAE
- External Peer Reviewer for Christ University Law Journal, Bangalore.
- Visiting Resource person for Orientation and Workshops conducted for State Government officials by APHRDI, Bapatla, AP
- Visiting Faculty for ADR and FDR PG Diploma Courses Conducted by ICADR, Regional Centre, Hyderabad.
- Visiting Legal advisor for Vanitha TV legal Help Line LIVE TV Programme
- Attended Several Orientation Programmes and Refresher course (law) as per UGC Guidelines.
- Attended several seminars, workshops and training Programmes at National and International Level




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INTERNATIONAL COMMERCIAL ARBITRATION

Objectives:

- It helps to trace the historical growth of Commercial Arbitration.
- It helps in detailed understanding of UNCITRAL model law and its influence on Indian Law.
- To understand the role of International Conventions NYC and Geneva Convention in Indian Law.
- To know about Institutional Arbitrations and Ad hoc Arbitrations
- To understand the growth of Commercial Arbitration in India and the Arbitration and Conciliation Act 1996 and its significance in resolution of commercial disputes.

Course outcomes: Student will be well versed with Foreign awards , arbitrability and non-arbitrability matters in commercial arbitrations, the choice of Law, its adjudication and enforcement of foreign Arbitral awards, challenges in enforcing an award, and rules that apply for enforcing of an award , the role of international conventions and the influence of them in Indian Law, the doctrine of separability, new trends in Investment arbitrations and the rules of Institutional Arbitrations.

Unit I: Introduction

Evolution of International Commercial Arbitration – Growth and Historical Development of ICA – Objectives – Jay Treaty of 1794 – Treaty of Ghent – 1814 – Hague Conventions 1899 and 1907 – Permanent Court of Arbitration – International Chamber of Commerce 1919 – Court of International Arbitration 1923 – Geneva Protocol on Arbitration Clauses 1923 – Geneva Convention on the Execution of Foreign Awards 1927 – New York Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958

Unit II: International Commercial Arbitration

International Commercial Agreements – General Principles of Interpretation of International Commercial Arbitration – Enforcement - International Arbitration *versus* Litigation – Institutional Arbitration and *Adhoc* arbitration – UNCITRAL Arbitration Rule 1976 – UNCITRAL Model Law on International Commercial Arbitration 1985 – Objectives and Principles – Structure and Adoption of Model Law – General Provisions – Arbitral Agreement – Jurisdiction of Arbitral Tribunal – Conduct of Arbitral Proceedings

Unit III: Commercial Arbitration in India

Evolution of Arbitration in India (Indian Arbitration Act 1899 – Arbitration Act 1940 – Arbitration and Conciliation Act 1996) – Agreement to Arbitrate – Appointment of Arbitrator – Enforcement of Arbitration Agreement – Laws Governing Arbitration – Interim Measures – Award – Recognition and Enforcement of Arbitral Award

Unit IV: International Investment Arbitration

Conventions and Institutions in International Investment Arbitration – An Over View, ICSID (International Centre for Settlement of Investment Disputes), UNCITRAL (United Nations Convention on International Trade Law), ICC (International Chamber of Commerce), SCC (Stockholm Chamber of Commerce), Claims on Merits, Expropriation - Fair and Equitable Treatment and Related Claims, The Umbrella Clause, Most Favoured Nation Clause.

Unit V: International Arbitral Institutions

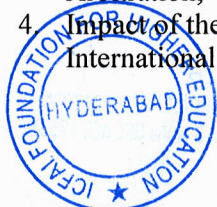
International Chamber of Commerce – History – Evolution – International Court of Arbitration – Permanent Court of Arbitration (PCA) – International Centre of Settlement of Investment Disputes (ICSID) – WIPO Arbitration and Mediation Center – WTO Dispute Settlement System – Court of Arbitration for Sport (CAS) – Society of Maritime Arbitrators (SMA) – International Centre for ADR (ICADR) – The London Court of International Arbitration – Commercial Courts.

Books:

10. Christopher R Drahozal, Commercial Arbitration: cases and problems , (Lexis Nexis, 2002)
 11. Gabriel Wilnerby MartinDomke on Commercial Arbitration: The law and practice of Commercial Arbitration, revised by Thomas Reuters, 2014 Ed.
 12. Lord Mustill and Stewart C Boyd ,Commercial Arbitration, Butterworths 2001.
 13. Julian DM Leus, Locker and Stefan ,Comparative International commercial Arbitration, Kluwer Law International, South Asian Reprint Edition,(2003).
 14. Harsh Sethi and Arpan Kr Gupta, International Commercial Arbitration and Its Indian Perspective , Universal Law Publishing Co, Reprint 2014.
 15. Sir Michael J. Mustill, Stewart Crauford Boyd,The Law and Practice of Commercial Arbitration in England (Butterworths, 1989)
 16. A.K.Bansal, Shivanisidhu and Kanika Bansal, International Commercial Arbitration-Practice & Procedure, Universal Law Publishing Co. ND (2012)
 17. Alan Redfern and Martin Hunter, International Commercial Arbitration, Sweet & Maxwell, 4th. Edition. 2004
 18. Garry B Born, International Commercial Arbitration, Kluwer Law International, 2ndEdn2014, 3rd Edn-2018
 19. Christopher Dugan, Don Wallace, Noah Rubins, BorzuSabahi, Investor State Arbitration by Oxford University Press, 2008
 20. Campbell McLachlan, Laurence Shore, and Matthew Weiniger, International Investment Arbitration: Substantive Principles, Oxford University Press, 2007.
 21. Yves Dezalay, Bryant G. Garth,Dealing in Virtue: International Commercial Arbitration and the Construction, University of Chicago Press Ltd London, 1996.
- 13.. Andrew Tweeddale & Keren Tweeddale, Arbitration of Commercial Disputes: International and English Law and Practice, Oxford University Press, 2007.
 29. Margaret L Moses, The Principles and Practice of International Commercial Arbitration, Cambridge University Press, (2008).
 30. P.S. Narayana,J. The Arbitration and Conciliation Act, 1996, A.L.T. Publications.4th. Edition(2008).

Articles:

1. Eliasoph, "A Missing Link: International Arbitration and the Ability of Private Actors to Enforce Human Rights Norms", 10 New England Journal of International and Comparative Law (2004) 83 at 110
2. J. Donogue, "Taking the 'sovereign' Out of the Foreign Sovereign Immunities Act: A Functional approach to the Commercial Activity Exception", 17. Yale Journal of International Law (1992)
3. Andrew Barraclough and Jeff Waincymer, Mandatory Rules of Law In International Commercial Arbitration, search.austlii.edu.au/au/journals/MelbJIL/2005/9.html
4. Impact of the Adoption of the Model Law in Canada: Creating a New Environment for International Arbitration" (1998), 30 Canadian Business Law Journal 376.



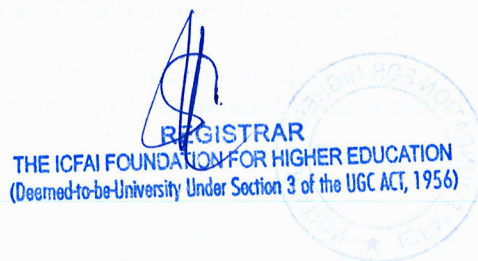
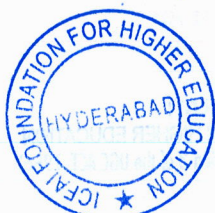
5. Rogers, Catherine A, Transparency in International Commercial Arbitration (2006). Kansas Law Review, 2006.
6. 6.Indu Malhotra, 'Fast Track Arbitration', ICA's Arbitration Quarterly, ICA, 2006, vol. XLI/No.1 at p 8-
7. 7.Pippa Read, Delocalization of International Commercial Arbitration: Its Relevance in the New Millennium, The American Review of International Arbitration ,10 Am. Rev. Int'l Arb. 177
8. 8.Vladimir Pavić, Bribery and International Commercial Arbitration – The Role of Mandatory Rules and Public Policy, Vol 43 Victoria University Wellington Law Review,2012
9. Sai Anukaran, Scope of Arbitrability of Disputes from the Indian Perspective, Asian International Arbitration Journal, Vol 14,Num 1, 2018, Pages 71-88.
10. Rachel Chiu Li Hsien, 'A World Without Borders; A New World Order: Navigating Cross-Border Insolvencies Through Arbitration' Vol 14 Asian International Arbitration Journal,2018, Issue 2, pp. 117–141.
11. Sharad Bansal, 'The Dampening Effect of 'Foreign' Mandatory Laws' Vol 14 Asian International Arbitration Journal,2018 Issue 2, pp. 165–179

Case Laws:

1. Gas Authority of India Ltd. v. Spie Capage S.A. AIR 1994 Del.75,
2. Bhatia International v. Bulk Trading S.A. AIR 2002 SC 1432,
3. Centrotrade Mineral & Metals Inc v. Hindustan Copper Ltd AIR 2006(11) SCC 245
4. Renusagar Power Co. Ltd. v. General Electric Co. Ltd AIR 1994 SC 860
5. NoyVallesina v Jindal Drugs Limited 2006 (5) BomCR 155
6. M/s. Fuerst Day Lawson Ltd v. Jindal Exports Ltd. 2001 (6) SCC 356
7. Serajuddin v. Michael Golodetz AIR 1960 Cal.49
8. Venture Global Eng. v. Satyam Computer Services AIR 2008 SC 1061
9. N.T.P.C. v. Singer Co AIR 1993 SC 998
10. Bharat Aluminium Co. v. Kaiser Aluminium Technical Services
11. Union of India v Reliance Industries, 2015 (10) SCALE 149

Swayam Videos:

1. Applicable Laws and Procedures in International Commercial Arbitration Introduction- Professor Loukas Mistelis- <https://youtu.be/4CeJlGGZNY4>
2. International Commercial Arbitration: Issues of Arbitrability and Execution of Arbitral Acts - <https://youtu.be/bfpKKfEVPXk>
3. Online ADR(Arbitration & conciliation) law by D.K.DUBEY(basic) <https://youtu.be/gug-tA8PPjc>.
4. Arbitration & Conciliation Act -(Grounds of Setting aside of Arbitral award)- Hindi- by Sudhir Sachdev-<https://youtu.be/OSst3stlKgE>.
5. Economic & Commercial Laws | Arbitration & Conciliation Amendment Act- Hindi- <https://youtu.be/u40bBSPgsSs>-<https://sanyogvyaslawclasses.com/>
6. Gary Born discusses International Commercial Arbitration -- 2nd edition- <https://youtu.be/i5H8yMTctzI>
7. Arbitration and Conciliation (Amendment) Bill 2018, Out of court settlement Current Affairs 2018- <https://youtu.be/DHKWLpNfY4w>
8. Arbitration and Conciliation Act, Section-8 LIVE CLASS <https://youtu.be/2fTrHxuAXHQ>



ONLINE Teaching Format

Course Hand Out

Academic Year – 2020-21

(Class of ----2021-----)

Course Name: INTERNATIONAL COMMERCIAL ARBITRATION

Course Code:

Semester:

Faculty Name: Dr. Poorvi Kantroo

Mobile No: 8897847007

Email: poorvikantroo@ifheindia.org

Objectives of the Course:

The growth of international trade among world countries has resulted in engaging several business dealings. Besides the development, there has been evident about the increased rate of trade disputes. As the adjudication process of redress in Domestic Courts is more in cost, time and less effective of disputes. This gives a way for the emergence and effective implementation of alternative dispute mechanism. Arbitration one of the methods of ADR, plays a multidimensional role in International Commercial Contracts. This gives more comfort to parties of the contract choosing their own choice of arbitrators, application of law, limitation of Jurisdiction and enforceability of arbitral awards. The Course of International Commercial Arbitration (ICA) focus on the procedure of international commercial agreements, relevant Conventions that deal with ICA and highlight the UNCITRAL Model Law. The Course also deals with the meaning of International Arbitral Agreement, nature of *commercial*, Composition, Jurisdiction, *choice of law*, arbitral proceedings, recognition and enforcement of foreign arbitral awards. The course has included online arbitration agreement and their enforceability due to the present condition in the globalized world where every agreement take place through online. Finally, the course will sum up with various international arbitration bodies.



Course outcomes:

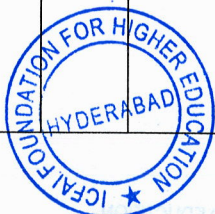
Student will be well versed with Foreign awards , arbitrability and non-arbitrability matters in commercial arbitrations, the choice of Law, its adjudication and enforcement of foreign Arbitral awards, challenges in enforcing an award, and rules that apply for enforcing of an award , the role of international conventions and the influence of them in Indian Law, the doctrine of separability, new trends in Investment arbitrations and the rules of Institutional Arbitrations.

Recommended Text Books and Reference Books

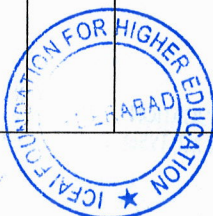
	TEXT BOOK	AUTHOR / PUBLICATION
	International Commercial Arbitration – An Introduction	Subramoniam and Jain(Eastern Book Company)
	The Principles and Practice of International Commercial Arbitration	Margaret L. Moses
	International Commercial Arbitration	Gary Born

Course Outline:

Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1.	4	Introduction	Evolution of International Commercial Arbitration – Growth and Historical Development of ICA – Objectives – Jay Treaty of 1794 – Treaty of Ghent – 1814 – Hague Conventions 1899 and 1907 – Permanent Court of	Margaret L. Moses Chapter-1	https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?ref	The students will be made acquainted with the historical evolution of



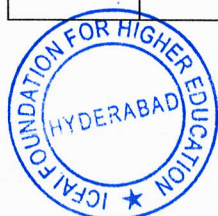
			Arbitration – International Chamber of Commerce 1919 – Court of International Arbitration 1923 – Geneva Protocol on Arbitration Clauses 1923 – Geneva Convention on the Execution of Foreign Awards 1927 – New York Convention on Recognition and Enforcement of Foreign Arbitral Awards 1958		erer=&http sredir=1 &article=8 693&cont ext=penn _law_revi ew	ICA
2.	8.	Scope and Nature of Arbitrability	INTRODUCTION- Dispute Resolution in International Trade – International Commercial Arbitration – Growth and Historical development – Objectives – theories – Legal framework -Concept and Nature of International Commercial Arbitration - International Commercial Agreements – Basic Principles of Interpretation of international commercial arbitration – International Arbitration <i>versus</i> Litigation – Institutional Arbitration and <i>Adhoc</i> arbitration.	The Principles and Practice of International Commercial Arbitration Margaret L. Moses	Chap. 2,3	An introduction to the concept to be taught and the basics of ICA .
			Arbitrability Nature and Scope of Arbitrability; Arbitration clauses – Agreement to Arbitrate – The Separability Presumption – Autonomy - India’s Position -Significance of agreement in Arbitration- Forms of arbitration agreement - Functions - Definition and Requirements Arbitrations Agreement - Foreign Arbitration Agreement		Chapter 4	

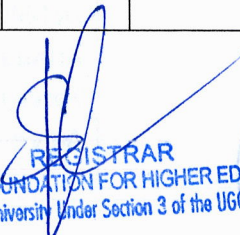


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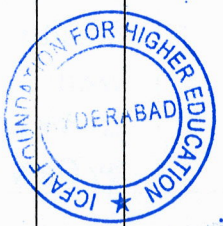


3.	8	International Commercial Arbitration	International Commercial Agreements – General Principles of Interpretation of International Commercial Arbitration – Enforcement – International Arbitration <i>versus</i> Litigation – Institutional Arbitration and <i>Adhoc</i> arbitration – UNCITRAL Arbitration Rule 1976 – UNCITRAL Model Law on International Commercial Arbitration 1985 – Objectives and	International Commercial Arbitration – An Introduction Gray Born	Gary born Annex I, II, III https://sccinstitute.com/media/37103/uncitral-model-law-on-international-commercial-arbitration-1985.pdf	An indept discussion on various aspects of International commercial Arbitration shall be taught.
			Principles – Structure and Adoption of Model Law – General Provisions – Arbitral Agreement – Jurisdiction of Arbitral Tribunal – Conduct of Arbitral Proceedings			
4	8	Commercial Arbitration in India	Evolution of Arbitration in India (Indian Arbitration Act 1899 – Arbitration Act 1940 – Arbitration and Conciliation Act 1996) – Agreement to Arbitrate – Appointment of Arbitrator – Enforcement of Arbitration Agreement – Laws Governing Arbitration – Interim Measures – Award – Recognition and Enforcement of Arbitral Award	International Commercial Arbitration – An Introduction	https://www.mondaq.com/india/arbitration-dispute-resolution/604912/india-and-international-commercial-arbitration	The student will learn about the law applicable to the international commercial arbitration in India, seat of arbitration, choice of law and what if there is a conflict in the laws.

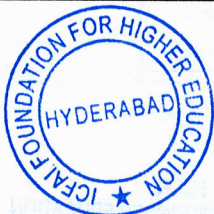



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 (Deemed-to-be-University Under Section 3 of the UGC ACT, 1956)

5.	8.	International Investment Arbitration	<p>Conventions and Institutions in International Investment Arbitration – An Overview, ICSID (International Centre for Settlement of Investment Disputes), UNCITRAL (United Nations Convention on International Trade Law), ICC (International Chamber of Commerce), SCC (Stockholm Chamber of Commerce), Claims on Merits, Expropriation - Fair and Equitable Treatment and Related Claims, The Umbrella Clause, Most Favoured Nation Clause.</p>	<p>International Commercial Arbitration – An Introduction</p>	<p>https://icsid.worldbank.org/</p> <p>https://www.investment.com/terms/international-chamber-of-commerce-icc.asp</p> <p>https://uncitral.un.org/sites/uncitral.un.org/files/media-document/uncitral/en/19-09955_ebook.pdf</p> <p>https://www.acerislaw.com/sports-arbitration-certain-unique-features-</p>	<p>To study and derive a basic understanding of the initial framework for all laws. A comparative analysis shall also be discussed in class.</p>
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					<u>and-the-</u> <u>court-of-</u> <u>arbitratio</u> <u>n-for-</u> <u>sport-the-</u> <u>cas/</u>	
6.	8.	International Arbitral Institutions	International Chamber of Commerce – History – Evolution – International Court of Arbitration – Permanent Court of Arbitration (PCA) – International Centre of Settlement of Investment Disputes (ICSID) – WIPO Arbitration and Mediation Center – WTO Dispute Settlement System – Court of Arbitration for Sport (CAC) – Society of Maritime Arbitrators (SMA) – International Centre for ADR (ICADR) – The London Court of International Arbitration – Commercial Courts.	Bodies facilitating ICA		-
7.	4	Case laws Articles Videos and comparative analysis between various arbitration institutions				Landmark cases, recent developments will be discussed by faculty along with commentaries by Gary Born



Total	48					

Articles/Online Material

1. Law and Recent Developments in India, February 2020, International Commercial Arbitration
http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/International_Commercial_Arbitration.pdf

2. Kenton and Hirst, Advantages Of International Commercial Arbitration
<https://www.mondaq.com/uk/international-trade-investment/416416/advantages-of-international-commercial-arbitration>

3. Ihab Amro, Online Arbitration in Theory and in Practice: A Comparative Study in Common Law and Civil Law Countries

http://arbitrationblog.kluwerarbitration.com/2019/04/11/online-arbitration-in-theory-and-in-practice-a-comparative-study-in-common-law-and-civil-law-countries/?doing_wp_cron=1595968787.4643950462341308593750

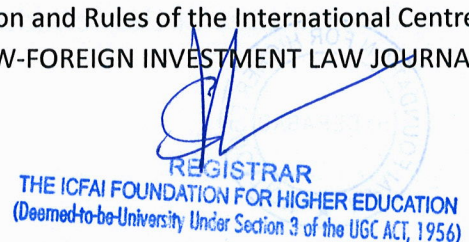
4. Historical background of commercial arbitration: Univeristy of Pennsylvania

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=8693&context=penn_law_review

5. United nations conference on trade and development

https://unctad.org/system/files/official-document/edmmisc232add42_en.pdf

6. Parra, Antonio R., 'The Development of the Regulation and Rules of the International Centre for Settlement of Investment Disputes', ICSID REVIEW-FOREIGN INVESTMENT LAW JOURNAL



Videos.

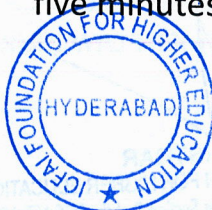
1. Introduction to International Commercial Arbitration
<https://www.youtube.com/watch?v=o4mWJIAHj4>
2. What is the relevance of UNCITRAL Model Law in international commercial arbitration?
<https://www.youtube.com/watch?v=HDdLfBgepOc>
3. Lecture on International Commercial Arbitration
<https://www.youtube.com/watch?v=YEimpsCPhI8>
4. Born's International Arbitration Lectures
https://www.youtube.com/watch?v=2wlAnaR3B90&list=PLJw-u7Q3Xbx7022H7cWiupH_7JzRVEMFg
5. International Arbitration: Abyei Area (Sudan v. SPLM/A) - Oral Proceedings (Gary Born)
<https://www.youtube.com/watch?v=otFhsW2qhts>
6. https://www.youtube.com/watch?v=2wlAnaR3B90&list=PLJw-u7Q3Xbx7022H7cWiupH_7JzRVEMFg
- 7.

CASES

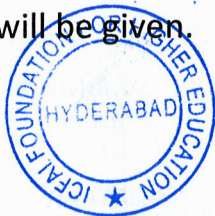
1. Salini Construttori S.P.A. and Italstrade S.P.A. v. Kingdom of Morocco [ICSID Case No. ARB/00/4].
2. White Industries Australia Limited v Republic of India [IIC 529 (2011)].
3. Beijing Urban Construction Group v Republic of Yemen [ICSID Case No. ARB/14/30].
4. Tokios Tokelés v. Ukraine [ICSID Case No. ARB/02/18].
5. Bhatia International vs Bulk Trading S. A. & Anr 2002
6. Sumitomo Heavy Industries Ltd. Vs. ONGC Ltd. and Ors 2009
8. Venture Global Engineering vs Satyam Computer Services Ltd & Anr on 11 August, 2010

Expectations from Students:

ee. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.



- ff. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- gg. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- hh. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- ii. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- jj. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- kk. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- ll. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- mm. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid-term or end-term exams.
- nn. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.



Honour Code:

Unfair practices in tests and **plagiarism** in assignments / project work will straight away entail a **ZERO** to all involved parties.

Class Organization

Class Representative

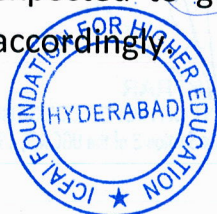
Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

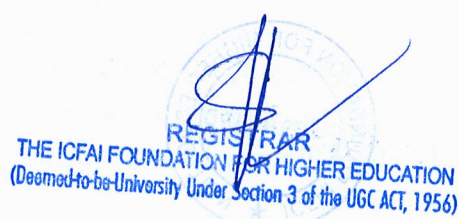


Component Number	Component	Expected slot / due date	Marks declaration by	Weightage	Syllabus
NCP I	Internal Assessment				
NCP II	Mid Term				
NCP III	Internal Assessment				
End Term	End Term				

The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

Brief profile of the Faculty Member

Dr. Poorvi Kantroo heads the space division at the Aerospace and Aviation Lawyers Association of India (AALAI). Before this, she directed the Space policy division at erstwhile Aryavarta Space Organization. She holds a Ph.D. in Aerospace and Defense Laws from the Centre for Aerospace & Defense Laws (CADL), NALSAR University, India. She also earned her LLM degree in Corporate Laws and Governance including international Business from NALSAR. She was a Key Judge for recently conducted 1st APJ. Kalam Essay Competition. She was also selected by The International Institute of Space Law (IISL), Leiden, to judge at the prestigious Manfred Lachs Moot Courts Memorials 2016. She is an associate editor for the Indian Journal for Air and Space Law (IJASL), published by CADL, NALSAR. Her area of interests includes Commercial aspects of Aerospace industry, commercial arbitration in Aerospace industry and Trade regulations..



ONLINE DISPUTE RESOLUTION

Objectives:

1. To understand the key concepts underlying in Online dispute Resolution.
2. To evaluate the integration of technology with the dispute resolution mechanism.
3. Emphasis on the modes of alternative dispute Resolution.
4. Identifying the role and liability of Internet Service Providers
5. Emphasis on Virtual court system.

Course outcomes:

1. Learners are acquaint with fundamental concepts.
2. Learners should differentiate ODR with other methods of dispute Resolution
3. Learners can relate the IT laws with online dispute resolution.
4. Students can differentiate normal litigation and virtual dispute resolution.
5. Learner can gain knowledge of international aspects.

Unit-I Introduction

History and Development of Online Dispute Resolution(ODR) Law and Cyberspace; Meaning and Scope of Cyberspace; Problems of Absence of Territoriality in Cyberspace Communications and Transactions; Use of Internet; Ecommerce and the Problems of Online Conclusion of Contracts; Validity of Online Contracts and Arbitration Agreements; Problems of Substitution of Paper-Based Documents by Electronic Documents – Clickwrap and Shrinkwrap Contracts; Proof of Electronic Documents; Electronic Data Interchange.

Unit II Online Dispute Resolution System:

ODR – Kinds and Uses; ODR Process – Consensual – Advisory – Determinative – Hybrid, Legal Issues involved in ODR; Online Negotiation – Automated Negotiation; Assisted Negotiation – Online Mediation and Online Arbitration – Cyber Courts – Types of Online Communications – E-Mediation and E-Negotiation – Problems of Security – Methods of Encryption.

Unit III: ODR Service Providers and Different Technologies

Legal Liability of Service Providers – Kinds of Online Disputes – Party Autonomy – Business to Business(B2B) – Business to Consumer (B2C) and Consumer to Consumer,(C2C) Disputes – Issues of Unequal Balance between the Parties and Unequal Access to Technology.

Unit IV: ODR and Virtual Court

Use of ODR in Normal Litigation; Court Annexed ODR; Examination of Witnesses and Submission of Arguments; Problems and Prospects; Litigation Conferencing; Problems of Enforcement of ODR Arbitral Awards under Geneva and New York Conventions; Problems of ODR under the Arbitration and Conciliation Act of 1996-E-Courts in India & E-Justice System I India Administration of Justice through technology.

UNIT V: Global Development of ODR

US Uniform Computer Information Transactions Act (UCITA), ODR under The ICANN System – Registrations under the Uniform Dispute Resolution Policy (UDRP), ODR in ICC, Auckland Cyber Arbitration

Reference books:

1. Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - 7th Ed. 2005 Eastern Book Company - Lucknow.
1. P.C. Rao & William - Alternative Dispute Resolution 1st Ed. - 1997 Universal Law Sheffield Publishing Ltd.
2. H.C. Johri - Commentary on Arbitration & Conciliation Act, 1996; Kamal Law House, Calcutta (1997).
3. G.K. Kwatra - The New Arbitration & Conciliation Law of India, ICA, 1998.
4. Gabrielle Kaufmann - Online Dispute Resolution: Challenges for Contemporary Justice, Kohler & Thomas Wolters Kluwer, UK Schultz 2012.
5. Katsh, Ethan. Law in a Digital World, Oxford University Press, 1995.
6. Katsh, Ethan. The Electronic Media and the Transformation of Law, Oxford University Press, 1989
7. Abdel Wahab, Mohamed. "Revolutionizing Technologies and the Use of Technology in International Arbitration: Innovation, Legitimacy, Prospects and Challenges", Mohamed Abdel Wahab and Ethan Katsh, Chapter in *Arbitration in the Digital Age* edited by Christian Aschauer and Maud Piers, Cambridge University Press, Cambridge (2017)

Articles:

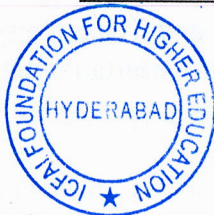
1. Josep Suquet 1, Marta Poblet 1, Pablo Noriega 2, Sílvia Gabarró 1, Online Dispute Resolution in 2010: a Cyberspace Odyssey? UAB Institute of Law and Technology UAB Campus, B Building, Faculty of Law 08193 {Josep.Suquet, Marta.Poblet, Silvia.Gabarro}@uab.cat {pablo@iia.csic.es} (<http://ceur-ws.org/Vol-684/ODR2010proceedings.pdf>)
2. Orna Rabinovich-Einy & Ethan Katsh Digital Justice Reshaping Boundaries in an Online Dispute Resolution Environment 1(1) *International Journal of Online Dispute Resolution* 2014 at p. 5
3. Mirèze Philippe, ODR Redress System for Consumer Disputes 57 Clarifications, UNCITRAL Works & EU Regulation on ODR 1(1) *International Journal of Online Dispute Resolution* 2014 at p. 57
4. Krishna Bharadwaj H. A Comparative Analysis of Online Dispute Resolution Platforms. *American Journal of Operations Management and Information Systems*. Vol. 2, No. 3, 2017, pp. 81-85. doi: 10.11648/j.ajomis.20170203.13
5. Lipsky, D. B. & Avgar, A. C. Online dispute resolution through the lens of bargaining and negotiation theory: Toward an integrated model [Electronic version]. 38(1), *University of Toledo Law Review* (2007). 101-142.
6. Cappelletti, Mauro. Alternative Dispute Resolution Processes Within the Framework of the World-Wide Access to Justice Movement, Vol. 56, Issue 3 *The Modern Law Review* May 1993, pp. 282-296



7. Macduff, Ian. "Flames on the Wires - Mediating from an Electronic Cottage," Volume 10, *Negotiation Journal*, Issue 1, January 1994, pp. 5–15
8. Lide, E. Casey. *ADR and Cyberspace: The Role of Alternative Dispute Resolution in Online Commerce, Intellectual Property, and Defamation*, 12 *Ohio State Journal of Dispute Resolution* 193, 1996-1997.
9. Almaguer, Alejandro E. and Roland W. Baggott, III. Shaping New Legal Frontiers: Dispute Resolution for the Internet, 13 *Ohio State Journal on Dispute Resolution* 711, 1997.
10. Cona, Frank A. Application of Online Systems in Alternative Dispute Resolution, 45 *Buffalo Law Review* 975, 1997
11. Donahey, M. Scott. Current Developments in Online Dispute Resolution, *Journal of International Arbitration*, 164(4), pp. 115-130, 1999.
12. Perritt, Jr., Henry H. Dispute Resolution in Cyberspace: Demand for New Forms of ADR, 15 *Ohio State Journal on Dispute Resolution* 675, 1999-2000
13. Wing, Leah. *Ethical Principles for Online Dispute Resolution: A GPS Device for the Field*, *The International Journal of Online Dispute Resolution*, Vol. 3, No. 1, 2016, pp. 12-29.
14. Zheng, Jai. *The Role of ODR to Resolve Electronic Commerce Disputes in China*, *The International Journal of Online Dispute Resolution*, Vol. 3, No. 1, 2016, 41-68.
15. Vilalta, A. E. (2017) "Decalogue Of Good Practices For Electronic Mediation", *Electronic Mediation*, Ed. Comares, pp 189-200.
16. Vilalta, A. E. (2017) "The Effect Of Electronic Mediation Outcomes", *Electronic Mediation and E-Mediator Proposal for the European Union*. Ed. Comares ISBN: 978-84-9045-405-3. Pp 151-155.

Videos

1. Mediator Academy, <https://mediatoracademy.com/topic/the-evolution-of-online-dispute-resolution-1/what-is-odr/>
2. Online Dispute Resolution <https://www.academyofexperts.org/content/online-dispute-resolution> July 13th 2016.




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ICFAI Law School, Hyderabad

ONLINE Teaching Format

Course Hand Out

Academic Year – 2020-21

(Class of 2021)

Course Name: Online Dispute Resolution (ODR)

Course Code:

Semester: II (LLM -ADR Program)

Faculty Name: Dr. Veena

Mobile No: 9848730267

Email: veena@ifheindia.org

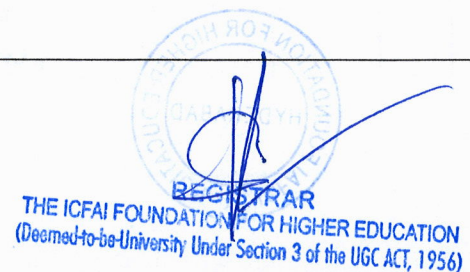
Objectives of the Course: To study and understand the key concepts underlying in Online dispute Resolution and evaluate the integration of technology with the dispute resolution mechanism. Identifying the role and liability of Internet Service Providers. Emphasis on the modes of alternative dispute Resolution and Virtual court system.

Course outcomes:

Students get acquaint with fundamental concepts and able to differentiate ODR with other methods of dispute Resolution. They can relate the IT laws with online dispute resolution. It becomes easy to distinguish normal litigation and virtual dispute resolution. Students can gain knowledge of international aspects.

Recommended Text Books and Reference Books

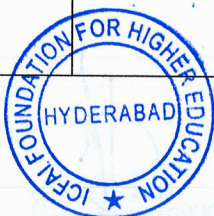
	TEXT BOOK	AUTHOR / PUBLICATION
1	<u>Law in a Digital World,</u>	Katsh, Ethan. Oxford University Press, 1995.
2	<i>Arbitration in the Digital Age</i>	Edited by Christian Aschauer and Maud Piers, Cambridge University Press, Cambridge (2017)



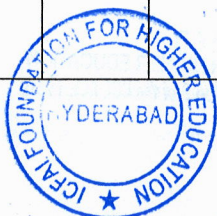
3	Law of Arbitration and Conciliation including ADR system	Dr.Avatar Singh 7th Ed. 2005 Eastern Book Company-Lucknow.
4	Law Relating to Computers, Internet and E-commerce	Nandan Kamath, Universal Law Publishing - An imprint of LexisNexis; Fifth edition (1 January 2016)
5	E-justice: Using Information Communication Technologies in the Court System	Agusti Cerrillo (Editor), Pere Fabra (Editor) Information Science Reference (30 September 2008)
6	E-Justice: Perspectives and Experiences	Jaya Krishna S (Author), Naveen Kumar Agarwal (Author) ICFAI UNIVERSITY PRESS (1 January 2008)

Course Outline:

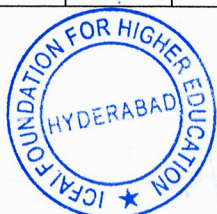
Sl. No	No. of Sessions	Topic	Key Concepts	Text Book Material to use	Chapter Reading /Videos	Course outcome
1	10	Introduction	History and Development of Online Dispute Resolution(ODR) Law and Cyberspace; Meaning and Scope of Cyberspace; Problems of Absence of Territoriality in Cyberspace Communications and Transactions; Use of Internet; Ecommerce and the Problems of Online Conclusion of Contracts; Validity of Online Contracts and Arbitration	RB 4,	Online Dispute Resolution in 2010: a Cyberspace Odyssey? By JosepSuquet 1, Marta Poblet1, Pablo Noriega 2, SílviaGabarr	Students will learn concept of ODR and its evolution. Importance of internet, e-commerce, Types and validity of online contracts.

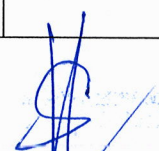


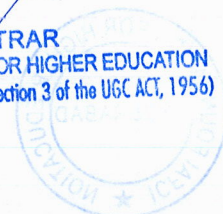
			Agreements; Problems of Substitution of Paper-Based Documents by Electronic Documents – Clickwrap and Shrinkwrap Contracts; Proof of Electronic Documents; Electronic Data Interchange.			
2	12	Online Dispute Resolution System:	ODR – Kinds and Uses; ODR Process – Consensual – Advisory – Determinative – Hybrid, Legal Issues involved in ODR; Online Negotiation – Automated Negotiation; Assisted Negotiation – Online Mediation and Online Arbitration – Cyber Courts – Types of Online Communications – E-Mediation and E-Negotiation – Problems of Security – Methods of Encryption.	RB1, RB 2	1. Macduff, Ian. "Flames on the Wires - Mediating from an Electronic Cottage," Volume 10, <i>Negotiation Journal</i> , Issue 1, January 1994, pp. 5-15 2. Lipsky, D. B. & Avgar, A. C. Online dispute resolution through the lens of bargaining and negotiation theory: Toward an integrated model [Electronic version]. 38(1), University of Toledo Law Review (2007).	By the end of the unit, student will learn various kinds of ODR system available making best use of the technologies in resolving disputes amicable.



					101-142.	
3	10	ODR Service Providers and Different Technologies	Legal Liability of Service Providers – Kinds of Online Disputes – Party Autonomy – Business to Business(828) – Business to Consumer (B2C) and Consumer to Consumer,(C2C) Disputes – Issues of Unequal Balance between the Patties and Unequal Access to Technology.	RB4	heng, Jai. <i>The Role of ODR to Resolve Electronic Commerce Disputes in China</i> , The International Journal of Online Dispute Resolution, Vol. 3, No. 1, 2016, 41-68.	The students will learn the liability of internet service providers in various kinds of business transactions and parties facing challenges in using technologies
4	8	ODR and Virtual Court	Use of ODR in Normal Litigation; Court Annexed ODR; Examination of Witnesses and Submission of Arguments; Problems and Prospects; Litigation Conferencing; Problems of Enforcement of ODR Arbitral Awards under Geneva and New York Conventions; Problems of ODR under the Arbitration and Conciliation Act of 1996-E-Courts in India & E-Justice System I India-Administration of Justice through technology.	RB 5 and RB 6	Donahey, M. Scott. Current Developments in Online Dispute Resolution, <i>Journal of International Arbitration</i> , 164(4), pp. 115-130, 1999.	Student will able to differentiate between physical court and virtual court. The legal provisions applicable and enforcement of rights with respect to ODR



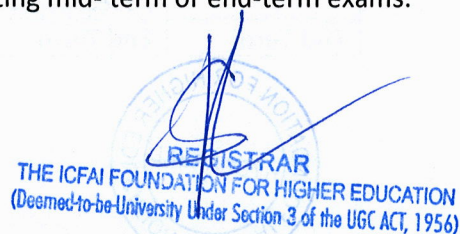
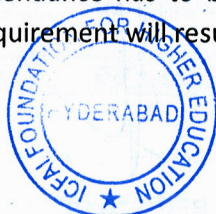

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5	8	Global Development of ODR	US Uniform Computer Information Transactions Act (UCITA), ODR under The ICANN System – Registrations under the Uniform Dispute Resolution Policy (UDRP), ODR in ICC, Auckland Cyber Arbitration	https://www.wipo.int	The student will understand domain name disputes and resolution mechanism at international level by UDRP mechanism
Total	48				

Expectations from Students:

- oo. Students must report to the respective sessions well before the announced time. Late comers will not be permitted to join the class after five minutes of the scheduled time.
- pp. Read the relevant chapter(s) and Case Study / material and come well prepared to the class for discussions as indicated in the course plan by the faculty.
- qq. In the class discussions student is expected to participate actively and contribute to individual and group learning. Evaluation is based on active meaningful participation.
- rr. The participation has to be relevant and meaningful. "Speaking for speaking's sake" will be counter-productive. Participation by just repeating a point made or picking on what someone has said will also be counter-productive.
- ss. Evaluation is a continuous process at ICFAI Law School, Hyderabad. Every student needs to be aware of the timelines given in the section below. Absence from these evaluations will mean non awarding of marks in that particular component.
- tt. Wherever applicable, group assignments require each student to contribute to the group effort. This enhances group effectiveness and leads to greater appreciation of working in groups.
- uu. Students are expected to show high regard and appreciation for class discipline and desist from using mobile phones/electronic gadgets/mechanical devices. This disturbs the class ambience and unnecessarily diverts attention of other students as well as the faculty member. To avoid these, mobile phones should be switched off inside the classroom.
- vv. Utilize the scheduled consultation hour to meet the faculty time and clarify doubts if any, seek explanations and get mentored if needed.
- ww. Attendance is compulsory in all sessions. Minimum required 75 percentage of attendance has to be followed by each student. Failure in fulfilling minimum attendance requirement will result in stoppage from writing/attempting mid-term or end-term exams.



- xx. Students have to submit their assignments on the due date informed by the faculty. For this no extension of time will be given.

Honour Code:

Unfair practices in tests and plagiarism in assignments / project work will straight away entail a ZERO to all involved parties.

Class Organization

Class Representative

Two among you will be selected by consensus as Class Representative for each course. She/he will be responsible for class room arrangements, dealing with academic office, for communicating information from faculty to the class and otherwise, also to collect all assignments / project works and deliver them to faculty. He will be the bridge between the faculty and the students of the class and responsible for the discipline in the class. If found unable to function, he/she will be replaced by the faculty of the course.

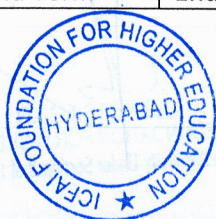
Class Discipline

- Students must occupy their seats before faculty comes in and remain seated until the end of the class.
- Students must have their name plates on the desk.
- Use of mobile phones is strictly prohibited in the class. If found using or holding the cell phones the faculty may send them out of the class.
- Students are free to ask questions/doubts/clarifications in the class on topics under discussion. For other doubts, they should meet faculty during consulting hours.
- No Student is allowed to enter or exit the class rooms during the proceedings of sessions, if so, the student shall be treated as absent on such date. If repeated more than twice he/she shall be subjected to absent for 5 days in the concerned subject.

Evaluation Timelines

Keeping in line with continuous evaluation at ICFAI Law School, Hyderabad the following schedules have been drawn. Students are expected to go through the dates / sessions mentioned and prepare accordingly.

Component Number	Component	Expected slot / due date	Marks declaration by	Weigh tage	Syllabus
NCP I	Internal Assessment	26 th Feb 2021	2 nd March 2021	15	Unit 1-2
NCP II	Assignment	24 th March 2021	3 rd April 2021	15	Unit 3
NCP III	Internal Assessment	20 th April 2021	30 th April 2021	10	Unit -4
End Term	End Term	25 th May 2021	30 th May 2021	60	Unit 1 to 5



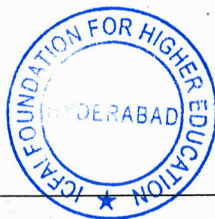
The final grade will be declared after the end-semester examinations following the above given weightage formula. Before the student takes the end semester examination, he/she should be aware of the progress in the course up to an extent of 50 marks. There will not be any make-up tests for evaluation tests.

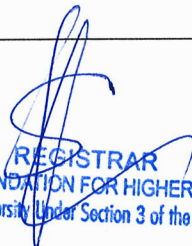
Brief profile of the Faculty Member

Dr. Veena, working as an Associate Professor in the Faculty of Law, the Icfai Foundation for Higher Education (IFHE), Hyderabad since 2011. Post graduate (LLM) in Torts and Crimes, Corporate Law and obtained Ph D in Law in the area of 'Law of Patents'. Her research is focused on the patenting of software programs. She has participated and presented papers in national and international journals. She has taken part in refresher training programs organized and conducted by the UGC.

She has rich research experience in the area of intellectual property rights and edited the ICFAI Journal of Intellectual Property Rights for a period of five years. She has edited eight books on various topics of Intellectual Property Rights published from Amicus Books, a unit of ICFAI University, Hyderabad.

She has vast teaching experience and taught business law subject to the MBA students of the University, handles classes for undergraduate courses of five years integrated law program, BBA LLB (Honors) program in the areas of IPR and Corporate Laws. She is the guest speaker in PG College of Law and University College of Law, Osmania University, Hyderabad for IPR Law, ADR, Cyber law, Insurance Law and ODR and Guest Lectures at IDRBT and ICADR, Hyderabad. She was a Member of Research Team of the Project, 'Administrative Reforms in the High Court of Andhra Pradesh', and Member of the Project of Airports Authority – 'Due Diligence of Airport Contracts', Empanelled Member of Arbitration and Trainer to the Trainees of Mediation.




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